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COLLECTION

OF THE

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PUBLIC GENERAL STATUTES,

PASSED IN THE

Fourth and Fifth Year

OF THE REIGN OF HIS MAJESTY

KING WILLIAM the FOURTH:

Being the SECOND SESSION of the ELEVENTH PARLIAMENT of the United Kingdom of *Great Britain* and *Ireland*.

LONDON:

Printed by GEORGE EYRE and ANDREW SPOTTISWOODE,
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1834.

A

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OF

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lxi. An Act for more effectually making, amending, widening, repairing, and maintaining certain Roads and Bridges in the Counties of *Dumbarton* and *Stirling*. 1713

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PRIVATE ACTS,

PRINTED BY THE KING'S PRINTER,

AND WHEREOF THE PRINTED COPIES MAY BE GIVEN IN EVIDENCE.

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39. An Act for the Naturalization of *John Peter Segundo Mousley* and *Charles Edward Eugene Mousley*.

40. An Act for inclosing Lands within the Manors and Tithings of *Elwell* otherwise *Ridgeway* and *Stottingway* within the Parish of *Upway* in the County of *Dorset*.

41. An Act to dissolve the Marriage of *John Allan* with *Jane* his now Wife, and to enable him to marry again; and for other Purposes therein mentioned.

42. An Act to enable *Frederick Lumley* Esquire to take and use the Surname and Arms of *Savile*.

43. An Act for naturalizing *Charles William Francken*.

44. An Act to dissolve the Marriage of *Isaac John Horlock* Esquire with *Phebe Horlock* his now Wife, and to enable him to marry again; and for other Purposes therein mentioned.

45. An Act for naturalizing *Arthur Auguste de la Rive* of *Geneva*, and *William de la Rive*, *Jeanne Adele de la Rive*, and *Charles Lucien de la Rive*, his Children.

46. An Act to dissolve the Marriage of *Henry Howell* with *Elizabeth* his now Wife, and to enable him to marry again; and for other Purposes therein mentioned.

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PUBLIC GENERAL ACTS,

4° & 5° GUL. IV.

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I. - - - - - - Ireland.
E. & S. - - - - England and Scotland.
E. & I. - - - - England and Ireland.
G. B. - - - - - - Great Britain.
G. B. & I. - - - - Great Britain and Ireland.
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Merchant Service, amending Act of 20 Geo. II. for the Relief of sick, maimed, and disabled Seamen in, and of the Widows and Children of such as shall be killed, slain, or drowned in	52.	U.K.
Militia, annual Act for the Pay, Clothing, &c. of the Disembodied Militia	63.	G.B.&I.
—— ——— suspending the Ballots and Enrolments of, for One Year	64.	U.K.
Mills, amending Act of 3 & 4 Gul. IV. for regulating the Labour of Children and young Persons in	1.	U.K.
Ministers, regulating the Appointment of, to Churches erected by voluntary Contribution	41.	S.
Modus Decimandi, amending Act of 3 Gul. IV. for shortening the Time required in Claims of	83.	I.
Money, facilitating the Loan of, on Landed Securities	29.	I.
Mumbles Head Lighthouse (Glamorganshire) placed under the Management of the Corporation of the Trinity House	69.	E.
Mutiny Act, annual	6.	U.K.

N.

	Cap.	Relating to.
Navy, altering, &c. Act of 11 Geo. IV. for amending the Laws relating to the Pay of the	25.	U.K.
Newspapers, regulating the Conveyance of, by Post between British Dominions and Foreign Parts	44.	U.K.
——— repealing certain Provisions of Two Acts of Geo. III. affecting the Printers, Proprietors, and Publishers of	71.	I.
Norfolk Island, for the more effectual Administration of Justice at	65.	U.K.

O.

Offices, annual Indemnity Act to Persons neglecting to qualify for	9.	U.K.
——— continuing annual Duties on	11.	U.K.
——— amending Laws regulating Pensions, Compensations, and Allowances to Persons having held Civil	24.	U.K.
	45.	U.K.

P.

Pensions continuing annual Duties on	11.	U.K.
——— &c. to Persons having held Civil Offices, amending Laws relating to	24.	U.K.
	45.	U.K.
Poor Laws, for the Amendment and better Administration of	76.	E.
Postage, repealing Part of 5 Geo. III. relating to certain Rates of Inland, in North America	7.	U.K.
Property (Real and Personal) held in Trust, amending the Law relative to the Escheat and Forfeiture of	23.	U.K.

Q.

Quare impedit, giving Costs in Actions of	39.	E.
Quarter Sessions (April), preventing the Interference of the Spring Assizes with	47.	E.

R.

Recorder of the Great Roll, abolishing the Office of	16.	S.
Registration of Persons entitled to vote for Members to serve in Parliament, for the more effectual	88.	S.
Rents, amending 11 Geo. II. respecting the Apportionment of	22.	E.
Road Acts, amending Act of 49 Geo. III. for amending	50.	I.

S.

Scaleboard made from Wood, repealing the Duties on	77.	E.
Scilly Islands, authorizing Persons to act as Justices of the Peace in	43.	E.
Seamen (sick and disabled) in the Merchants Service, amending Act of 20 Geo. II. for the Relief and Support of, and of the Widows and Children of such as shall be killed, slain, or drowned	52.	U.K.
Smuggling, amending Act of 3 & 4 Gul. IV. for the Prevention of	13.	U.K.
South Australia, His Majesty empowered to erect, into a British Province or Provinces	95.	U.K.

	Cap.	Relating to.
rits, repealing the Duties on, made in Ireland, and imposing others in lieu thereof, and imposing additional Duties on Licences to Retailers of, in the United Kingdom - -	75.	U.K.
mp Duties, repealing, on Almanacks and Directories - -	57.	G.B.&I.
mps and Taxes, consolidating the Boards of - - -	60.	G.B.&I.
nnary Court of Cornwall, facilitating the taking of Affidavits nd Affirmations in - - - - - - -	42.	E.
rch, ne Bottles, repealing the Duties on - - - - -	77.	E.
aw, amending 36 Geo. III. for regulating the buying and elling of - - - - - - - - - - -	21.	E.
;ar imported, annual Duties on - - - -	5.	U.K.
;ets, repealing the Duties on - - - - -	77.	E.

T.

:es (Assessed), Compositions for, continued for Five Years from 5th April 1835 - - - - - -	54.	G.B.
—— granting Relief from, in certain Cases - -	73.	G.B.
— (Land and Assessed), amending Laws relating to, and to consolidate the Boards of Stamps and Taxes - -	60.	G.B.&I.
, repealing Acts requiring Deposits to be made on, sold at the ast India Company's Sales - - - - - -	33.	E.
ıporalities of the Church, amending 3 & 4 Gul. IV. for altering ıd amending the Laws relating to - - - - -	90.	I.
ements, amending several Acts for the uniform Valuation of -	55.	I.
ıes, amending Act of 3 Gul. IV. for shortening the Time re- uired in Claims of Exemption from or Discharge of - -	83.	E.
nage Rates payable in the Port of London, reducing -	32.	U.K.
nsportation, abolishing Capital Punishment in case of re- ırning from - - - - - - - -	67.	U.K.
st, amending the Law relative to the Escheat and Forfeiture of roperty held in - - - - - - - -	23.	U.K.
npike Road Acts, continuing various - - -	10. 91.	G.B. I.
npike Roads, amending Act of 3 Geo. IV. for regulating, as to eights to be carried on Waggons with Springs - -	81.	E.

W.

wick (Borough) Bribery Bill, indemnifying Witnesses giving vidence before the House of Lords on - - -	17.	E.
ghts and Measures, amending Acts relating to - -	49.	U.K.
es (Made), repealing the Duties on - - - -	77.	E.
ds, Forests, Land Revenues, Works, and Buildings, empowering e Commissioners of, to pay the Net Proceeds of the Tolls of e Menai and Conway Bridges into the Exchequer - -	66.	E.

)NDON: Printed by GEORGE EYRE and ANDREW SPOTTISWOODE, Printers to the King's most Excellent Majesty. 1834.

ANNO REGNI

GULIELMI IV.

Britanniarum Regis,

QUARTO.

At the Parliament begun and holden at *Westminster*, the Twenty-ninth Day of *January*, *Anno Domini* 1833, in the Third Year of the Reign of our Sovereign Lord WILLIAM the Fourth, by the Grace of God, of the United Kingdom of *Great Britain* and *Ireland*, King, Defender of the Faith:

And from thence continued, by several Prorogations, to the Fourth Day of *February* 1834; being the SECOND SESSION of the ELEVENTH PARLIAMENT of the United Kingdom of *Great Britain* and *Ireland*.

LONDON:

Printed by GEORGE EYRE and ANDREW SPOTTISWOODE, Printers to the King's most Excellent Majesty. 1834.

ANNO QUARTO

GULIELMI IV. REGIS.

****

CAP. I.

An Act to explain and amend an Act of the last Session of Parliament, for regulating the Labour of Children and young Persons in the Mills and Factories of the United Kingdom.

[20th *February* 1834.]

WHEREAS by an Act passed in the last Session of Parliament, intituled *An Act to regulate the Labour of Children and young Persons in the Mills and Factories of the United Kingdom*, it was enacted among other things that certain Provisions of the said Act should come into operation at the End of Eighteen Months, and certain other Provisions also at the End of Thirty Months, after the passing of the said Act; and it is expedient that the Periods mentioned in the said Provisions respectively should be construed to be Calendar Months, not Lunar Months: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said Periods of Eighteen Months and Thirty Months mentioned in the said Act shall be construed and taken to mean Periods of Eighteen Calendar Months and Thirty Calendar Months respectively.

3 & 4 W. 4. c. 103

The Word Months in recited Act to be construed as Calendar Months.

In Silk Mills, Children under 13 Years of Age allowed to work 10 Hours every WorkingDay.

II. And whereas it is provided by the said Act, that in Mills for the Manufacture of Silk, Children under the Age of Thirteen Years shall be allowed to work Ten Hours in any one Day; and Doubts have arisen whether, according to the true Construction of the said Act, Children in such Mills can be allowed to work Ten Hours every working Day in the Week; be it therefore further enacted, That in Mills for the Manufacture of Silk, Children under the Age of Thirteen Years shall be allowed to work Ten Hours every working Day in the Week; and that this Enactment shall be substituted in the Place of the Provision herein-before referred to, and be taken in all respects as Part of the said Act.

Act may be altered this Session.

III. And be it enacted, That this Act may be amended, altered, or repealed by any Act to be passed during the present Session of Parliament.

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ANNO QUARTO

GULIELMI IV. REGIS.

***

Bills issued for Public Works;

60,000*l.* to be paid by the East India Company;

and any Balance paid in by the Bank of England pursuant to 56 G. 3. c. 97.

Acts passed in the Fifty-seventh Year of the Reign of His late Majesty King *George* the Third, and in the First and Second Years of the Reign of His present Majesty, for authorizing the Issue of Exchequer Bills for carrying on Public Works and Fisheries in the United Kingdom; and also the Sum of Sixty thousand Pounds to be paid into the Exchequer by the United Company of Merchants of *England* trading to the *East Indies*, towards the Expence of Retiring Pay, Pensions, and Allowances to His Majesty's Forces serving in *India*, in pursuance of an Act passed in the Fourth Year of the Reign of His late Majesty King *George* the Fourth; and also the Balance now in the Exchequer, or which may be paid into the same by the Governor and Company of the Bank of *England* on or before the Fifth Day of *April* One thousand eight hundred and thirty-five, pursuant to an Act passed in the Fifty-sixth Year of the Reign of His Majesty King *George* the Third, intituled *An Act to authorize the advancing, for the Public Service, a Proportion of the Balance that shall remain from Time to Time in the Bank of* England *for the Payment of Dividends on account of the Public Debt, for Lottery Prizes or Benefits not claimed, and Principals of Stocks and Annuities remaining unclaimed;* provided that if at any Time the said Balance shall be reduced to a less Sum than One hundred thousand Pounds, then so much of the Monies advanced by the said Governor and Company shall be repaid to them as shall be equal to the Sum by which the said Balance shall be less than the Sum of One hundred thousand Pounds; and the Commissioners of His Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland* now or for the Time being, or any Three or more of them, or the Lord High Treasurer of the United Kingdom of *Great Britain* and *Ireland* for the Time being, are or is hereby authorized and empowered to issue and apply the same accordingly.

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Printers to the King's most Excellent Majesty. 1834.

ANNO QUARTO

GULIELMI IV. REGIS.

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CAP. III.

An Act for raising the Sum of Fourteen Millions by Exchequer Bills, for the Service of the Year One thousand eight hundred and thirty-four.

[26th *March* 1834.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal Subjects, the Commons of the United Kingdom of *Great Britain* and *Ireland*, in Parliament assembled, towards raising the necessary Supplies which we have cheerfully granted to Your Majesty in this Session of Parliament, have resolved to give and grant unto Your Majesty the Sum herein-after mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for the Commissioners of His Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland* at any Time or Times to cause or direct any Number of Exchequer Bills to be made out at the Receipt of the Exchequer at *Westminster* for any Sum or Sums of Money not exceeding in the whole the Sum of Fourteen Millions, in the same or like Manner, Form, and Order, and according to the same or like Rules and Directions, as are prescribed in an Act passed in the Forty-eighth Year of the Reign of His Majesty King *George* the Third, intituled *An Act for regulating the Issue and paying off of Exchequer Bills.*

The Treasury may raise 14,000,000*l.* by Exchequer Bills, in like Manner as is prescribed by 48 G. 3. c. 1.

The Clauses, &c. in recited Act extended to this Act.

II. And be it further enacted, That all and every the Clauses, Provisoes, Powers, Privileges, Advantages, Penalties, Forfeitures, and Disabilities contained in the said Act shall be applied and extended to the Exchequer Bills to be made out in pursuance of this Act, as fully and effectually, to all Intents and Purposes, as if the said several Clauses or Provisoes had been particularly repeated and re-enacted in the Body of this Act.

Treasury to apply the Money raised.

III. And be it further enacted, That it shall be lawful for the said Commissioners of the Treasury to issue and apply from Time to Time all such Sums of Money as shall be raised by Exchequer Bills to be made out in pursuance of this Act to such Services as shall then have been voted by the Commons of the United Kingdom of *Great Britain* and *Ireland* in this present Session of Parliament.

Bills to be payable out of Supplies of the next Session.

IV. And be it further enacted, That the Principal Sum or Sums of Money to be contained in such Exchequer Bills shall be and are hereby charged and chargeable upon and shall be paid and discharged by and out of the first Supplies to be granted in the next Session of Parliament.

Interest on Exchequer Bills.

V. And be it further enacted, That the Exchequer Bills to be made out in pursuance of this Act shall bear Date on the Days on which the same shall be respectively issued, and shall and may bear an Interest not exceeding the Rate of Three-pence Halfpenny *per Centum per Diem* upon or in respect of the whole of the Monies respectively contained therein, payable out of any Aids or Supplies in the Receipt of His Majesty's Exchequer at *Westminster*.

Bills to be current at the Exchequer after April 5, 1835.

VI. And be it further enacted, That all and every the Exchequer Bills to be made forth by virtue of this Act, or so many of them as shall from Time to Time remain undischarged and uncancelled, shall and may, from and after the Fifth Day of *April* One thousand eight hundred and thirty-five, be received and taken and shall pass and be current to all and every the Receivers and Collectors in *Great Britain* of the Customs, Excise, or any Revenue, Supply, Aid, or Tax whatsoever, already granted, due, or payable, or which shall or may hereafter be granted, due, or payable, to His Majesty, His Heirs and Successors, and also at the Receipt of the said Exchequer, from the said Receivers or Collectors, or from any other Person or Persons, Bodies Politic or Corporate whatsoever, making any Payment there to His Majesty, His Heirs and Successors, for or upon any Account, Cause, or Occasion whatsoever, according to the Purport and true Meaning of this Act; and that such of the same Bills as shall be received at the said Exchequer shall and may be locked up and secured as Cash, according to the Course of the said Exchequer settled and established by Law for locking up and securing Monies received in Specie there.

Bank of England may advance 14,000,000*l.* on the Credit

VII. And be it declared and further enacted, That it shall and may be lawful for the Governor and Company of the Bank of *England* to advance or lend to His Majesty, upon the Credit of the Exchequer Bills to be made out in pursuance of this Act, any Sum or Sums of

Money not exceeding in the whole the Sum of Fourteen Millions, any thing in an Act passed in the Fifth and Sixth Years of the Reign of King *William* and Queen *Mary*, intituled *An Act for granting to Their Majesties several Rates and Duties upon Tonnage of Ships and Vessels, and upon Beer, Ale, and other Liquors; and for securing certain Recompences and Advantages in the said Act mentioned to such Persons as shall voluntarily advance the Sum of One million five hundred thousand Pounds towards carrying on the War against* France, or in any subsequent Act, to the contrary thereof in anywise notwithstanding. of this Act, notwithstanding 5 & 6 W. & M. c. 20.

LONDON: Printed by GEORGE EYRE and ANDREW SPOTTISWOODE, Printers to the King's most Excellent Majesty. 1834.

ANNO QUARTO

GULIELMI IV. REGIS.

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CAP. IV.

An Act for the Regulation of His Majesty's Royal Marine Forces while on Shore.

[26th *March* 1834.]

WHEREAS it is judged necessary for the Safety of the United Kingdom, and the Defence of the Possessions of this Realm, that a Body of Royal Marine Forces should be employed in His Majesty's Fleet and Naval Service, under the Direction of the Lord High Admiral of the said United Kingdom, or the Commissioners for executing the Office of Lord High Admiral aforesaid: And whereas the said Forces may frequently be quartered or be on Shore, or sent to do Duty or be on board Transport Ships, or Merchant Ships or Vessels, or Ships or Vessels of His Majesty, or other Ships or Vessels, or they may be under other Circumstances in which they will not be subject to the Laws relating to the Government of His Majesty's Forces by Sea: And whereas no Man can be forejudged of Life or Limb, or subjected in Time of Peace to any Kind of Punishment within this Realm, by Martial Law, or in any other Manner than by the Judgment of his Peers, and according to the known and established Laws of this Realm; yet nevertheless, it being requisite for the retaining of such Forces in their Duty that an exact Discipline be observed, and that Marines who shall mutiny or stir up Sedition, or shall desert His Majesty's Service, or be guilty of any other Crime in breach of good Order and Discipline, be brought to a more exemplary and speedy Punishment than the usual Forms of the Law will allow: Be it therefore enacted by the King's most

Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Twenty-fifth Day of *April* One thousand eight hundred and thirty-four, if any Person who is or shall be commissioned or in Pay as an Officer of Royal Marines, or who is or shall be listed or in Pay as a Non-commissioned Officer, Drummer, or Private Man in His Majesty's Royal Marine Forces, shall at any Time during the Continuance of this Act, while on Shore in any Place within the said Kingdom, or in any other of His Majesty's Dominions, or in Foreign Parts out of such Dominions, or on board any Transport Ship, or Merchant Ship or Vessel, or any Ship or Vessel of His Majesty, or on board any Convict Hulk or Ship, or any other Ship or Vessel, or in any other Place, or while being in any Circumstances in which he shall not be subject to the Laws relating to the Government of His Majesty's Forces by Sea, begin, excite, cause, or join in any Mutiny or Sedition in His Majesty's Marine or other Forces, or shall not use his utmost Endeavours to suppress any such Mutiny or Sedition, or coming to the Knowledge of any Mutiny or intended Mutiny shall not without Delay give Information thereof to his Commanding Officer; or shall misbehave himself before the Enemy; or shall shamefully abandon or deliver up any Garrison, Fortress, Post, or Guard committed to his Charge or which he shall be commanded to defend; or shall compel the Governor or Commanding Officer of any Garrison, Fortress, or Post to deliver up to the Enemy or to abandon the same; or shall speak Words or use any other Means to induce such Governor or Commanding Officer or any other to misbehave before the Enemy, or shamefully to abandon or deliver up any Garrison, Fortress, Post, or Guard committed to their respective Charge, or which he or they shall be commanded to defend; or shall leave his Post before relieved, or shall be found sleeping on his Post; or shall hold Correspondence with or give Advice or Intelligence to any Rebel, Pirate, or Enemy of His Majesty, either by Letters, Messages, Signs, Tokens, or any other Ways or Means whatever; or shall treat or enter into any Terms with any such Rebel, Pirate, or Enemy, without the Licence of the Lord High Admiral of the said United Kingdom, or the Commissioners for executing the Office of Lord High Admiral aforesaid, for the Time being; or shall strike or use or offer any Violence against his Superior Officer, being in the Execution of his Office, or shall disobey any lawful Command of his Superior Officer; or shall desert His Majesty's Service; every Person so offending in any of the Matters before mentioned shall suffer Death, or such other Punishment as by a Court-martial shall be awarded.

Crimes punishable by Death.

II. Provided always, and be it further enacted, That nothing in this Act contained shall be construed to exempt any Officer or Marine from being proceeded against by the ordinary Course of Law for Crimes thereby cognizable; and any Commanding Officer who shall neglect or refuse, when due Application shall be made to him for that Purpose, to deliver over to the Civil Magistrate any Officer or Marine charged with any Capital Crime, or with any Violence or Offence against the Person or Property of any of His Majesty's Subjects punishable by the known Laws of the Land, or who shall

The ordinary Course of Law not to be interfered with.

wilfully neglect or refuse to assist any Peace Officer in apprehending any such Offender, shall, upon Conviction thereof in any of His Majesty's Courts at *Westminster*, *Dublin*, or *Edinburgh*, be deemed to be *ipso facto* cashiered, and shall be utterly disabled to hold any Civil or Military Office or Employment in His Majesty's Service; and a Certificate of such Conviction shall be transmitted to the Secretary of the Admiralty: Provided always, that no Person who shall have been tried before any of the ordinary Courts of Law for any Crime cognizable in such Courts shall be liable to be punished for the same by any Court-martial, otherwise than by cashiering.

Marines not to be taken away from the Service for Debts under 30*l*.

III. And be it enacted, That no Person (except an Apprentice) enlisted in His Majesty's Service as a Marine shall be liable to be arrested or taken therefrom by the Warrant of any Magistrate, or otherwise, on account of any Breach of Contract or Engagement to serve or work for any Employer; and that no Marine shall be liable to be arrested and taken out of His Majesty's Service for Debt by any Process or Execution whatsoever, unless an Affidavit shall be first duly made and filed by the Plaintiff in the Suit, or by some one on his Behalf, for which no Fee shall be taken, that the original Debt for which the Action has been brought amounts to the Sum of Thirty Pounds at least, over and above all Costs in that or any other Action, a Memorandum of which Oath shall be marked on the Back of such Process and of the Warrant grounded thereon; and in case any Person shall nevertheless contrary hereto be arrested, it shall be lawful for any Judge of the Court out of which the Process shall have issued, and he is hereby required, upon Complaint made by the Person arrested, or by his Superior Officer, and upon due Proof thereof being made to him that such Arrest was made contrary to the Intent and Meaning of this Act, to discharge the Person so arrested out of Custody, and also to award to the Party complaining such Costs as such Judge shall think reasonable; for the Recovery whereof he shall have the like Remedy by Writ of Execution as that which the Plaintiff in the Suit might have had in case Judgment had been given for him in the Action.

Lord High Admiral, &c. may make Articles for the Punishment of Mutiny, Desertion, &c.

IV. And be it enacted, That it shall be lawful for the said Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral aforesaid, to make, ordain, and establish Rules and Articles of War under the Hand of the said Lord High Admiral, or under the Hands of any Two or more of the said Commissioners, for the better Government of His Majesty's Royal Marine Forces, and for the Punishment of Mutiny, Desertion, Immorality, Breach of Discipline, Misbehaviour, Neglect of Duty, and any other Offence or Misconduct of which they shall be guilty, in any Place on shore or afloat in or out of His Majesty's Dominions, or at any Time when or under any Circumstances in which they shall not be amenable to the Laws for the Government of His Majesty's Ships, Vessels, and Forces by Sea, or to the Discipline of the Royal Navy, which Rules and Articles shall be judicially taken notice of by all Judges and in all Courts whatsoever; and Copies of the same shall, as soon as conveniently may be after the same shall have been made, be transmitted

transmitted by the Secretary of the Admiralty for the Time being (certified under his Hand) to the Judges of His Majesty's Superior Courts at *Westminster*, *Dublin*, and *Edinburgh* respectively, and also to the Governors of His Majesty's Dominions Abroad: Provided always, that no Person shall be subject by such Rules and Articles to any Punishment extending to Life or Limb for any Crime which is not expressed to be so punishable by this Act, nor in any Manner nor under any Regulations which shall not accord with the Provisions of this Act.

Lord High Admiral, &c. may grant Commissions for holding General Courts-martial, &c.

V. And be it enacted, That it shall be lawful for the said Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral aforesaid, from Time to Time to grant Commissions or Warrants under the Hand of the said Lord High Admiral, or under the Hands of any Two or more of the said Commissioners, for the holding of General and other Courts-martial within the United Kingdom of *Great Britain* and *Ireland*, in like Manner as has been heretofore used; and for bringing Offenders against the Articles of War to Justice, to erect and constitute Courts-martial, as well within the said United Kingdom and the *British* Isles as in any of His Majesty's Garrisons or Dominions, or elsewhere beyond the Seas, and to grant Commissions or Warrants to the Officer or Officers commanding in chief or commanding for the Time being any of His Majesty's Royal Marine Forces, as well within the said United Kingdom as elsewhere beyond the Seas, for convening, as well as for authorizing any Officer not below the Degree of a Field Officer to convene, Courts-martial, as Occasion may require, for the Trial of Offences committed by any of the Royal Marine Forces under their Command, whether the same shall have been committed before or after such Officer shall have taken upon himself such Command; and any Person subject to this Act, who shall in any of His Majesty's Dominions beyond the Seas or elsewhere commit any of the Offences for which he may be liable to be tried by Court-martial by virtue of this Act, may be tried and punished for the same in any other Part of His Majesty's Dominions where he may have come after the Commission of the Offence, as if the Offence had been committed where such Trial shall take place.

Composition of General Courts-martial.

VI. And be it enacted, That a General Court-martial convened in any Part of the King's Dominions, (*Bermuda*, *Africa*, and *New South Wales* excepted,) or in the Settlements of the *East India* Company, or elsewhere, consist of not less than Thirteen Commissioned Officers, and if convened in *Bermuda* or out of the King's Dominions (excepting *Africa* and *New South Wales*) shall have not less than Seven, and in *Africa* and *New South Wales* not less than Five Commissioned Officers; and in all Cases where such General Courts-martial as aforesaid shall consist of more or fewer Officers than Thirteen, no Judgment of Death shall pass without the Concurrence of Two Thirds at the least of the Members present; and the President shall in no Case be the Officer commanding in chief or Governor of the Garrison where the Offender shall be tried, nor under the Degree of a Field Officer, unless where a Field Officer cannot be had, nor in any Case whatsoever under the Degree of a Captain.

VII. And

Courts-martial to administer Oaths.

VII. And be it enacted, That all and every Court-martial shall have Power and Authority and is hereby required to administer the requisite Oath, in the usual Form, to every Person who shall be examined as a Witness before any such Court-martial, previous to his giving Evidence thereat.

Proceedings of Courts-martial.

VIII. And be it enacted, That in all Trials by General Courts-martial to be held by virtue of this Act every Member of such Court shall, before any Proceedings be had thereupon, take the Oaths for that Purpose set forth in the Schedule to this Act annexed, before the Judge Advocate or Person officiating as such, and on Trials by other Courts-martial before the President thereof, who are hereby respectively authorized to administer the same; and so soon as such Oaths shall have been administered to the respective Members, the President of the Court (having himself taken the said Oath, to be administered to him by any sworn Member,) is hereby authorized and required to administer to the Judge Advocate, or the Person officiating as such, the Oath in the Schedule to this Act for that Purpose annexed; and that no Proceeding or Trial shall be had upon any Offence but between the Hours of Eight of the Clock in the Morning and Four in the Afternoon, except in Cases which may require an immediate Example, and except in the *East Indies*, where such Trial may be held between the Hours of Six in the Morning and Four in the Afternoon.

Officers of the Marine and Land Forces may sit in conjunction on Courts-martial.

IX. And whereas it may be expedient in many Cases that Officers of the Land Forces should be associated with Royal Marine Officers for the Purpose of holding Courts-martial; be it enacted, That when and as often as it shall be deemed necessary it shall and may be lawful for Officers of Royal Marines and of the Land Forces to sit in conjunction on any Court-martial to be held under the Authority of this Act, and to proceed on the Trial of any Marine Officer, Non-commissioned Officer, Drummer, or Private Man, in like Manner to all Intents and Purposes as if such Court-martial were composed of Marine Officers only, and whether the Commanding Officer by whose Order such Court-martial is assembled belong to the Land or the Marine Forces; and the Officers composing such Court shall in such Cases take Rank according to the Seniority of their Commissions in either Service.

General Courts-martial may sentence Offenders to Imprisonment, &c.

X. And be it enacted, That a General Court-martial may sentence any Marine to Imprisonment, solitary or otherwise, and with or without hard Labour, in any public Prison or other Place which the Court may appoint, or to Corporal Punishment not extending to Life or Limb, for Immorality, Misbehaviour, or Neglect of Duty; and a General Court-martial may, in addition to any such Punishment as aforesaid, sentence any Offender to Forfeiture of all Advantage as to additional Pay, and Pension on Discharge; and whensoever any General Court-martial by which any Marine shall have been tried and convicted of any Offence punishable with Death shall not think the Offence deserving of Capital Punishment, such Court-martial may, instead of awarding a Corporal Punishment or Imprisonment, adjudge the Offender, according to the Degree of the Offence, to be transported as a Felon for Life or for a certain

Term of Years, or to general Service as a Soldier in any Corps and in any Country or Place which His Majesty shall be pleased to direct, or if such Offender shall have enlisted for any limited Term, may sentence him to serve for Life as a Soldier in any Corps which His Majesty shall be pleased to direct; and such Court may, in addition to any other Punishment, sentence any such Offender to forfeit all Advantage as to Increase of Pay, or as to Pension on Discharge, which might otherwise have accrued to such Offender: Provided always, that in all Cases where a Capital Punishment shall have been awarded by a General Court-martial it shall be lawful for His Majesty, instead of causing such Sentence to be carried into execution, to order the Offender to be transported as a Felon, either for Life or for a certain Term of Years, as to His Majesty shall seem meet; and if any Person who shall have been so adjudged or ordered to be transported, whether by the Sentence of a Court-martial or in pursuance of such Order of His Majesty, shall afterwards, without Licence from His Majesty or other lawful Authority, return to or be found at large in any Part of His Majesty's Dominions, either Abroad or at Home, other than the Place to which he shall have been adjudged or ordered to be transported, before the Expiration of the Term limited by such Sentence or Order, any such Offender, being duly convicted thereof, shall suffer Death as a Felon.

District or Garrison Courts-martial.

XI. And be it enacted, That a District or Garrison Court-martial shall consist of not less than Seven Commissioned Officers, except in *Bermuda*, *Africa*, and *New South Wales*, where it may consist of not less than Five Commissioned Officers; and that it shall be lawful for such Court, although assembled under the Authority of an Act of the present Session of Parliament, for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters, to proceed to try any Marine or Marines below the Rank of a Commissioned Officer for any Offence committed by any of them while serving in conjunction with His Majesty's Land Forces, and to sentence any such Marine to any Imprisonment, solitary or otherwise, and with or without hard Labour, in any public Prison or other Place which such Court may appoint, or to Corporal Punishment not extending to Life or Limb, for Immorality, Misbehaviour, or Neglect of Duty; and such Court may, in addition to either of the said Punishments, sentence a Marine to Forfeiture of all Advantage as to additional Pay, and to Pension on Discharge, for disgraceful Conduct in wilfully maiming or injuring himself, or any other Marine at the Instance of such Marine, with Intent to render himself or such other Marine unfit for the Service; in tampering with his Eyes; in malingering, feigning Disease, absenting himself from Hospital while under Medical Care, or other gross Violation of the Rules of any Hospital, thereby wilfully producing or aggravating Disease or Infirmity, or wilfully delaying his Cure; in purloining or selling Government Stores; in stealing any Money or Goods the Property of a Comrade, of a Military Officer, or of any Military or Divisional or Regimental Mess; in producing false or fraudulent Accounts or Returns; in embezzling or fraudulently misapplying Public Money intrusted to him; or for any other disgraceful Conduct, being of a cruel, indecent, unnatural, felonious, or fraudulent Nature; and such Offender may be further put under Stoppages, not exceeding Two

Thirds of his daily Pay, until the Amount be made good of any Loss or Damage arising out of his Misconduct; and if any Marine shall be convicted of any such disgraceful Conduct, and shall be sentenced to Forfeiture of his Claim to Pension, the Court may further recommend him to be discharged with Ignominy from His Majesty's Service; and any such Court shall deprive a Marine, if convicted of the Charge of habitual Drunkenness, of his Allowance in lieu of Beer or Liquor, or of additional Pay, or of such Portion of his daily Pay, for any Period not exceeding Two Years, as may accord with the Rules and Articles of War, subject to Restoration on subsequent good Conduct; and in addition to any such Punishment, the Court may, if it shall think fit, sentence such Offender to Imprisonment or to Corporal Punishment; provided that in all the aforegoing Cases the Sentence of a District or Garrison Court-martial shall be confirmed by the General Officer, Governor, or Senior Officer in command of the District, Garrison, Island, or Colony; and the President of every Court-martial other than a General Court-martial, not being under the Rank of Captain, shall be appointed by the Officer convening such Court-martial: Provided always, that such Court-martial shall not have Power to pass any Sentence of Death or Transportation.

Divisional Courts-martial.

XII. And be it enacted, That in Cases of Mutiny and gross Insubordination, or any Offences committed on the Line of March, the Offence may be tried by a Divisional Court-martial, and the Sentence confirmed and carried into execution on the Spot by the Officer in the immediate Command of the Troops; provided that the Sentence shall not exceed that which a Divisional Court-martial is competent to award; and a Divisional Court-martial may sentence any Marine to Imprisonment, with or without hard Labour, for any Period not exceeding Thirty Days, and to solitary Confinement not exceeding Twenty Days.

Detachment Courts-martial.

XIII. And be it enacted, That it shall be lawful for any Officer commanding any distinct Detachment or Portion of His Majesty's Royal Marine Forces which may at any Time be serving out of His Majesty's Dominions, upon Complaint made to him of any Offence committed against the Property or Person of any Inhabitant of or Resident in any such Countries by any Person under the immediate Command of any such Officer, to summon and cause to be assembled a Court-martial, which shall consist of not less than Three Officers, for the Trial of any such Person, notwithstanding such Officer shall not have received any Warrant empowering him to assemble Courts-martial; and every such Court-martial shall have the same Powers in regard to summoning and examining Witnesses, Trial of and Sentence upon Offenders, as are granted by this Act to General Courts-martial: Provided that no Sentence of any such Court-martial shall be executed until the General commanding in chief the Army of which the Division, Brigade, Detachment, or Party to which any Person so tried shall belong shall have approved and confirmed the same.

Marking a Deserter.

XIV. And be it enacted, That every Marine convicted of Desertion by a General, a District, or a Garrison Court-martial, or of Felony

Felony in any Court of Criminal Judicature, shall thereupon forfeit all Advantage as to additional Pay, and to Pension on Discharge, in addition to any other Punishment which such Court may award; and it shall be lawful for any General Court-martial assembled to try the Crime of Desertion, in addition to any other Punishment such Court may award, to direct that the Offender be marked on the Left Side, Two Inches below the Arm Pit, with the Letter D, such Letter not to be less than Half an Inch long, and to be marked on the Skin with some Ink or Gunpowder, or other Preparation, so as to be visible and conspicuous, and not liable to be obliterated.

Trial and Punishment for Embezzlement.

XV. And be it enacted, That every Officer and other Person employed in the Care or Distribution of any Money, Provisions, Forage, or Stores belonging to His Majesty's Royal Marine Forces or for their Use, who shall embezzle or fraudulently misapply, or cause to be embezzled or fraudulently misapplied, or shall wilfully suffer any Money, Provisions, Forage, Arms, Clothes, Ammunition, or other Military or Royal Marine Stores to be embezzled or fraudulently misapplied, or to be spoiled or damaged, may be tried for the same by a General Court-martial, which is hereby empowered to adjudge any such Offender to be transported as a Felon for Life or for any certain Term of Years, or to suffer such Punishment of Fine, Imprisonment, Dismissal from His Majesty's Service, with Incapacity of serving His Majesty in any Office, Civil or Military, as such Court shall think fit, according to the Nature and Degree of the Offence; and that such Person shall, in addition to any other Punishment, make good at his own Expence the Loss and Damage thereby sustained, to be ascertained by such Court-martial, which shall have Power to sentence the Offender to be imprisoned until the same, and any Fine which may be imposed, be paid and satisfied to His Majesty.

Witnesses.

XVI. And be it enacted, That all Witnesses, whether Military or otherwise, duly summoned by the Judge Advocate, or the Person appointed to officiate as such, or by the President of a District or Garrison Court-martial, to give Evidence on any Court-martial, shall, during their necessary Attendance in such Courts, and in going to and returning from the same, be privileged from Arrest, and shall, if nevertheless arrested contrary to the Intent of this Act, be forthwith discharged out of Custody by the Order of the Court out of which the Writ or Process for such Arrest was issued; and if such Court shall not be then sitting, then by the Order of any Judge of the Court of King's Bench at *Westminster* or *Dublin*, or of the Courts of Session in *Scotland*, or Courts of Law elsewhere, as the Case may require, upon its being made appear to such Court or Judge, by Affidavit in a summary Way, that such Witness was arrested in going to or returning from or attending such Court-martial; and every Person so duly summoned as a Witness who shall not attend, or attending shall refuse to be sworn, or being sworn shall refuse to give Evidence at any such Court-martial, or to answer all such Questions as the Court may legally demand of him, shall be liable to be attached, proceeded against, and punished in the Court of King's Bench at *Westminster* or *Dublin*, or Court of Session or other Court of Law in *Scotland*

or elsewhere, in the same Manner as Persons disobeying the Subpœna to testify, or any similar Process of such Courts, are liable to be proceeded against and punished.

Transportation of Offenders.

XVII. And be it enacted, That whenever His Majesty shall intend any Sentence of Transportation to be carried into execution, or shall be graciously pleased to extend His Royal Mercy, upon Condition of Transportation, to any Offender subject to the Punishment of Death by the Sentence of a General Court-martial, such Sentence (together with His Majesty's Pleasure upon the same, in Cases of Commutation of Sentence,) shall be notified in Writing by the Lord High Admiral, or by any Two or more of the Commissioners for executing the said Office of Lord High Admiral, for the Time being, to any Justice of the King's Bench, Common Pleas, or Baron of the Exchequer, and thereupon such Justice or Baron shall make an Order for the Transportation of such Offender upon the Terms and for the Time which shall be specified in such Notification, and shall also do all such other Acts consequent upon the same as any such Justice or Baron is authorized to make or do by any Statute or Statutes in force at the Time of making any such Orders in relation to the Transportation of Offenders; and such Order, and other Acts to be so made and done as aforesaid, shall be obeyed and executed by such Person in whose Custody such Offender shall at that Time be, and by all other Persons whom it may concern, and shall be as effectual, and have all the same Consequences, as any Order made under the Authority of any Statute with respect to any Offender in such Statute mentioned; and every Sheriff, Gaoler, Keeper, Governor, or Superintendent whom it may concern, and all Constables and other Persons, shall be bound to obey the aforesaid Order and Orders, be assistant in the Execution thereof, and be liable to the same Punishment for Disobedience or interrupting the Execution of the same, as they would be if the same had been made under the Authority of any other Act of Parliament; and every Person so ordered to be transported as aforesaid shall be subject respectively to all and every the Penalties and Provisions made by Law and in force concerning Persons convicted of any Crime, and sentenced to be transported, or receiving His Majesty's Pardon on Condition of Transportation; and from the Time when such Order of Transportation shall be made every Law and Statute now in force touching the Escape of Felons shall apply to such Offender, and to all Persons aiding, abetting, contriving, or assisting in any Escape or intended Escape of any such Offender; and the Judge who shall make any Order of Transportation as aforesaid shall direct the Notification of His Majesty's Pleasure, and his own Order made thereupon, to be filed and kept of Record in the Office of the Clerk of the Crown of the Court of King's Bench; and the said Clerk shall have a Fee of Two Shillings and Sixpence only for filing the same, and shall, on Application, deliver a Certificate in Writing (not taking more than Two Shillings and Sixpence for the same) to such Offender or to any Person applying in his or in His Majesty's Behalf, shewing the Christian and Surname of such Offender, the Place where the Court was held before whom he was convicted, and the Conditions on which the Order of Transportation was given; which Certificate shall be sufficient Proof of the Conviction and Sentence

of such Offender, and also of the Terms on which such Order for his Transportation was given, in any Court and in any Proceeding wherein it may be necessary to inquire into the same.

Imprisonment of Offenders.

XVIII. And be it enacted, That in all Cases of any Person belonging to the Royal Marine Forces being sentenced by any General or other Court-martial to Imprisonment in any House of Correction, Common Gaol, or Public Prison, the Gaolers and Keepers of such Houses of Correction, Gaols, or Prisons respectively shall receive into their Custody every such Person, upon receiving an Order in Writing for that Purpose from the Commanding Officer of the Division at which such Court-martial shall have been held, together with a Copy of the Sentence attested by the said Commanding Officer, and shall detain him in Confinement in the Manner and for the Period mentioned in such Sentence, or until he be duly discharged, or shall deliver him up to such Person producing an Order in Writing to that Effect from any such Commanding Officer, although the Period for which he was committed shall not have expired; and every such Gaoler or Keeper refusing or neglecting to receive and confine any such Person, pursuant to such Sentence, or to discharge him upon any such Order, shall, on being convicted thereof, forfeit for every such Offence the Sum of One hundred Pounds.

Place of Confinement of Offenders may be changed.

XIX. And be it enacted, That whenever it shall be deemed expedient it shall be lawful for the said Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, for the Time being, by any Order in Writing to be made for that Purpose, under the Hand of the said Lord High Admiral, or the Hands of Two or more of the Commissioners aforesaid, and the Seal of the Office of Admiralty, to change the Place of Confinement expressed in any Sentence of a Court-martial to be held under the Authority of this Act, either previous to the Commitment of the Offender or under any such Sentence, or at any Time during the Period of his Confinement, and so from Time to Time as often as it shall be deemed requisite; and the Gaoler or other Person having the Custody of such Offender shall, immediately on the Receipt of any such Order, remove and convey such Offender to the Gaol, Prison, or House of Correction mentioned in the said Order so to be made as aforesaid (for the Charges of which Removal and Conveyance he shall be allowed a Sum not exceeding One Shilling *per* Mile); and every Gaoler or Keeper of such last-mentioned Gaol or House of Correction shall thereupon, and upon being furnished with a Copy of the Sentence of Confinement, and of such Order of Removal, (such Copies respectively to be attested by the Secretary of the Admiralty for the Time being,) receive into his Custody and shall confine, pursuant to such Sentence, every such Offender, under the like Penalty and Forfeiture, in case of Refusal or Neglect, as is lastly herein-before provided.

Offences against former Mutiny

XX. And be it enacted, That all Crimes and Offences committed against any former Act made for the Regulation of the

Royal

Royal Marine Forces while on Shore, or against any of the Rules, Regulations, or Articles of War made and established by virtue of the same, may during the Continuance of this Act be inquired of and punished in like Manner as if they had been committed against this Act; and every Warrant for holding any Court-martial under any former Act shall remain in full Force, notwithstanding the Expiration of such Act; and all Proceedings of any Court-martial upon any Trial begun under the Authority of such former Act shall not be discontinued by the Expiration of the same: Provided always, that no Person shall be liable to be tried and punished for any Offence against any of the said Acts or Articles of War which shall appear to have been committed more than Three Years before the issuing of the Commission or Warrant for such Trial, unless the Person accused, by reason of his having absented himself, or of some other manifest Impediment, shall not have been amenable to Justice within that Period, in which Case such Person shall be liable to be tried at any Time not exceeding Two Years after the Impediment shall have ceased; and provided also, that if any Officer or Marine in any Place beyond the Seas shall commit any of the Offences punishable by Court-martial under this Act, and shall escape, and come or be brought into this Realm, before he be tried for the same, he shall, when apprehended, be tried for the same as if such Offence had been committed within this Realm.

Acts may be tried under this Act.

Limitation as to Time.

XXI. And be it enacted, That no Person who shall have been acquitted or convicted of any Offence at any Court-martial shall be liable to be tried a Second Time for the same Offence, except in the Case of an Appeal from a Divisional to a General Court-martial; and that no Sentence of any Court-martial, signed by the President thereof, shall be liable to be revised more than once; and no Witness shall be examined nor shall any additional Evidence be received by the Court on such Revision.

Appeal.

Revision of Sentence.

XXII. And be it enacted, That no Marine shall be entitled to receive Pay for any Period during which he shall have been absent, without due Authority, from his Duty in His Majesty's Service; and that every Non-commissioned Officer, Drummer, or Private Marine who shall, by the Sentence of any Court of Law or Court-martial, or by the Warrant of a Justice of the Peace, be imprisoned, or who shall be confined for Debt, shall forfeit all Right to any Pay from the Day of his Arrest during the Time of such Imprisonment; and the Gaoler or other Person in whose Custody he shall be shall receive the Sum of Sixpence *per Diem* out of the Pay of such Non-commissioned Officer or Private Marine, to be applied for his Subsistence during the Time he shall continue in Custody; which said Sum shall, under the Authority of the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, for the Time being, be paid to the said Gaoler, upon the Application in Writing made to the Secretary of the Admiralty by any Justice for the County or Place in which such Gaol shall be situate, accompanied by a Copy of the Order under which the Prisoner is confined: Provided always, that it shall be lawful for the said Lord High Admiral, or the said Commissioners, for the Time being, if they shall think fit, to order the

Forfeiture of Pay.

Subsistence of Offenders while in Custody.

Arrears of Pay.

Issue

Issue and Payment of any Arrears of Pay, or of the Surplus of such Pay, or any Portion thereof, to or on account of such Marine, during or after the Expiration of the Period of his Imprisonment: Provided also, that in case such Imprisonment shall be in any Place of Military Confinement, then the like Allowance of Sixpence *per* Day for Subsistence shall be made to the Marine so imprisoned, in lieu of all Pay or other Allowances: Provided also, that in the Calculation of the Period to entitle a Marine to Pension, or increased Rate of Pay for Services, no Part of the Time during which he may have been imprisoned shall be included.

Pay of Commissioned Officers charged with Criminal Offences.

XXIII. And be it enacted, That no Commissioned Officer who shall be arrested and committed to Prison upon a Charge of any Criminal Offence shall receive any Part of his Pay from the Day of such Commitment till the Day of his Return to the Company to which he shall belong or which he shall be ordered to join; and if he shall be acquitted of the Offence for which he was committed, he shall, upon his Return to his Company, with the Approbation of the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, but not otherwise, be entitled to receive all Arrears of Pay which were growing due during the Time of his Confinement; but if he shall be convicted, he shall forfeit all Right to any Pay from the Day of his Commitment until the Day of his Return to the Company to which he shall belong or which he shall be ordered to join.

Report of Proceedings of Courts-martial.

XXIV. And be it enacted, That every Judge Advocate or Person officiating as such at any General Court-martial, or the President of any other Court-martial, shall transmit, with all reasonable Expedition, the original Proceedings and Sentence thereof to the Secretary of the Admiralty for the Time being; and that the Person tried by any General Court-martial shall, upon Application to the Secretary of the Admiralty, be entitled, at any Time after the Expiration of Three Calendar Months from the Date of such Sentence, but not sooner than Three Months, whether such Sentence be approved or not, to a Copy of the Proceedings and Sentence, upon paying reasonably for the same, according to the Length thereof; provided that such Demand as aforesaid shall have been made within the Space of Three Years from the Date of the Approval or other final Decision upon the Proceedings before such General Court-martial.

Subsequent Enlistment no Protection from Punishment for Desertion.

XXV. And be it enacted, That every Marine shall be liable to be tried and punished for Desertion from any Corps into which he may have enlisted, or from His Majesty's Service, although he may of right belong to the Corps from which he shall have originally deserted; and if such Person shall be claimed as a Deserter by the Corps to which he originally belonged, and be tried as a Deserter therefrom, or shall be tried as a Deserter from any other Corps into which he may have enlisted, or if he shall be tried while actually serving in some Corps for Desertion from any other Corps, every Desertion previous or subsequent to that for which he shall be under Trial, as well as every previous Conviction for any other Offence, may be given in Evidence as an Aggravation of the Crime for which he shall

shall be under Trial; and in like Manner, in the Case of any Marine tried for any Offence whatever, any previous Convictions may be given in Evidence against him; provided that no such Evidence shall be received in any Case until after the Court shall have found the Prisoner guilty of the Offence for which he shall be so under Trial, and then only for the Purpose of fixing Punishment; and provided that in all Cases previous Notice shall have been given to the Offender of the Intention to produce such Evidence upon his Trial.

Apprehension of Deserters.

XXVI. And be it enacted, That it shall be lawful for the Constable of any Place where any Person reasonably suspected to be a Deserter shall be found, or of any adjoining Place, and if no such Constable can be immediately met with, then for any Officer, Marine, or other Soldier in His Majesty's Service, to apprehend or cause such suspected Person to be apprehended, and cause him to be brought before any Justice living in or near such Place, and acting for the same or any adjoining County, who hath hereby Power to examine such suspected Person; and if, by his Confession, or the Testimony of One or more Witnesses upon Oath, or by the Knowledge of such Justice, it shall appear that such suspected Person is a Marine unlawfully absent from his Duty, such Justice shall forthwith cause him to be conveyed to the nearest or most convenient public Prison in the same or any next adjoining County, and shall transmit an Account thereof, in the Form prescribed for that Purpose in the Schedule annexed to this Act, to the Secretary of the Admiralty, with a Description of the Person of such Deserter, and the Name of the Division to which he shall belong, and also certifying the Names of the Persons by whom the Deserter was apprehended; and if the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, shall be satisfied such last-mentioned Persons are justly entitled to a Reward for such Apprehension, the said Secretary shall in return transmit to such Justice an Order upon the proper Department for the Payment of the Sum of Twenty Shillings as a Reward to the Persons so certified to be entitled thereto; which Reward shall be paid and charged against the Pay and Subsistence of any such Deserter, and stopped out of the same: Provided always, that no Fee or Reward shall be taken by any Justice or his Clerk in respect of any Information, Commitment, or Report in the Case of any such Deserter.

Fraudulent Confession of Desertion

XXVII. And be it enacted, That every Person who shall voluntarily surrender or deliver himself up as a Deserter from His Majesty's Royal Marine Forces, or who, upon being apprehended on any Charge, shall, in the Presence of the Justice, confess himself to be a Deserter from such Forces, shall be deemed to have been duly enlisted, and to be a Marine, and shall be liable to serve in the said Forces, whether he shall have been ever actually enlisted as a Marine or not; and if the Person so confessing himself to be a Deserter shall at the Time actually belong to the Royal Marine Forces, he shall be deemed to be and shall be dealt with as a Deserter, or shall be liable to be punished as a Rogue and Vagabond, or may be prosecuted and punished for obtaining Money under false Pretences;

and the Confession and receiving Subsistence as a Marine by such Person shall be sufficient Evidence of the false Pretence and obtaining Money.

Reward for apprehending Marines attempting to desert.

XXVIII. And whereas it has been judged expedient, for the Prevention of Desertion, to establish Outlying Parties in the Vicinity of the respective Divisions of Royal Marines for the Purpose of intercepting such Men as may straggle or attempt to desert from Head Quarters, and it is fit that Encouragement should be given to Persons composing such Parties to be diligent and active in their Duty in this Behalf; be it therefore enacted, That for and in respect of every Non-commissioned Officer or Private Marine so straggling or attempting to desert, who may be apprehended at a greater Distance from Head Quarters than is allowed by the Articles of War, the Party or Parties by whom he shall be apprehended shall be entitled to a Reward of Ten Shillings to be paid upon the delivering up of such Marine; which Sum of Ten Shillings shall be charged against and stopped and retained out of the Pay and Subsistence of every such Non-commissioned Officer and Private Marine, in like Manner as the Reward or Sum of Twenty Shillings is herein-before directed to be charged against, stopped, and retained out of the Pay and Subsistence of every Deserter.

Penalty for inducing or assisting to desert.

XXIX. And be it enacted, That every Person who shall in any Part of His Majesty's Dominions directly or indirectly persuade any Marine to desert shall suffer such Punishment by Fine or Imprisonment, or both, as the Court before which the Conviction may take place shall adjudge; and every Person who shall assist any Deserter from His Majesty's Royal Marine Service in deserting or in concealing himself from such Service, knowing him to be such Deserter, shall forfeit for every such Offence the Sum of Twenty Pounds.

Custody and Subsistence of Deserters.

XXX. And be it enacted, That the Gaoler or other Person having the immediate Inspection of any Prison, Gaol, or House of Correction shall diet and supply every Marine in his Custody with Fuel and other Necessaries according to the Regulations of the Prison to which he shall be so committed, and shall receive on account of every such Marine, during his Imprisonment, Sixpence *per Diem* for his Subsistence, to be issued out of the Pay of such Marine, upon Application in Writing signed by any Justice within whose Jurisdiction such Prison shall be locally situated, together with a Copy of the Order of Commitment, and which Sum of Sixpence *per Diem* shall be carried to the Credit of the Fund from which the Expence of such Prison is defrayed; and all Gaolers and Keepers of Prisons shall and they are hereby authorized and required to receive and confine every Deserter from the Royal Marines who shall be delivered into their Charge by any Officer, Soldier, or Marine conveying any such Deserter under lawful Authority, on the Production of the Warrant or Authority on which such Deserter shall have been taken or detained; and every Gaoler or Keeper so receiving a Deserter shall be entitled to One Shilling for the safe

Custody

Custody of him, while halted on the March, and to such daily Subsistence as is herein-before provided for the Maintenance of Marines confined under any Sentence or otherwise.

Notice of Expiration of Imprisonment.

XXXI. And be it enacted, That every Gaoler, having Notice that any Person in his Custody is a Marine liable to serve His Majesty, shall, previous to the Expiration of the Period of the Imprisonment of such Marine, give One Month's Notice, or if there shall not be sufficient Time for a Month's Notice, then the longest practicable Notice thereof, to the Secretary of the Admiralty.

Penalty for forcible Entry.

XXXII. And be it enacted, That every Marine Officer who shall, without Warrant from One or more of His Majesty's Justices, forcibly enter into or break open the Dwelling House or Outhouses of any Person whomsoever, under Pretence of searching for Deserters, shall, upon due Proof thereof, forfeit the Sum of Twenty Pounds.

Enlisting and swearing of Recruits.

XXXIII. And be it enacted, That every Person who shall receive Enlisting Money to serve in the Royal Marines from any Person employed in the Recruiting Service, he being an Officer, Non-commissioned Officer, or attested Marine, shall be deemed to be enlisted as a Marine in His Majesty's Service, and while he shall remain with the Recruiting Party shall be entitled to be billetted; and every Person who shall enlist any Recruit shall first ask the Person offering to enlist whether he does or does not belong to the Militia, and shall cause to be taken down in Writing the Name and Place of Abode of such Recruit; and when any Person shall be enlisted as a Marine, he shall, within Four Days but not sooner than Twenty-four Hours after such Enlisting, appear, together with some Person employed in the Recruiting Service of the Party with which he shall have enlisted, before a Justice residing in the Vicinity of the Place, and acting for the Division or District where such Recruit shall have been enlisted, and not being an Officer in the Marines; and if such Recruit shall declare his having voluntarily enlisted the said Justice shall put to him the several Questions contained in the Schedule to this Act annexed, and shall record or cause to be recorded in Writing his Answers thereunto; and the said Justice is hereby required forthwith to cause the Answers so recorded in Writing, and the Third, Fourth, and Fifth Articles of the Second Section of the Articles of War against Mutiny, and the First Article of the Third Section of the said Articles of War against Desertion, to be read over in his own Presence to such Recruit, and to administer to such Recruit the Oath in the Schedule to this Act annexed for limited or unlimited Service, or for Service in the Forces of the *East India* Company, as may be applicable to the Case of the Recruit, and no other Oaths, any thing in any Acts to the contrary notwithstanding; and the said Justice is hereby required to give, under his Hand, the Certificate in the Schedule to this Act annexed; and if any such Recruit so to be certified shall refuse to take the Oath in the Schedule to this Act annexed before the said Justice, it shall be lawful for the Officer or Non-commissioned Officer with whom he enlisted to detain and confine such Person until he shall take the said Oath of Fidelity.

XXXIV. And

Dissent and Relief from Enlistment.

XXXIV. And be it enacted, That any Recruit appearing as aforesaid before such Justice shall be at liberty to declare his Dissent to such Enlisting, and upon such Declaration, and returning the Enlisting Money, and also paying the Sum of Twenty Shillings for the Charges expended upon him, together with the full Amount of Subsistence and Beer Money which shall have been paid to such Recruit subsequent to his Enlistment, shall be forthwith discharged in the Presence of such Justice; but if such Person shall refuse or neglect, within the Space of Twenty-four Hours after so declaring his Dissent, to return such Money as aforesaid, he shall be deemed and taken to be enlisted as if he had given his Assent thereto before the said Justice; and it shall also be lawful for any Justice to discharge any Person who shall have hastily enlisted, and who shall apply to him to declare his Dissent within such Four Days as aforesaid, upon Payment of the Sum of Money required to be paid by any Recruit declaring his Dissent under this Act, notwithstanding no Person belonging to the Recruiting Party shall be with the Recruit, provided it shall appear to such Justice, upon Proof to his Satisfaction, that the Recruiting Party has left the Place where such Recruit was enlisted, or that the Recruit could not procure any Person belonging to such Party to go with him before the Justice; and the Sum paid by such Recruit upon his Discharge shall be kept by the Justice, and paid to any Person belonging to the Recruiting Party entitled thereto, and demanding the same: Provided always, that no Recruit who has actually though erroneously been discharged by the Justice before the Expiration of Twenty-four Hours after the Time of his Enlistment shall be liable on that Account to be proceeded against as having deserted from His Majesty's Service; and the Justice who shall discharge any Recruit shall in every Case give to him a Certificate, under his Hand, specifying the Cause thereof.

Apprentices enlisting to be liable to serve after the Expiration of their Apprenticeship.

XXXV. And be it enacted, That any Person duly bound as an Apprentice, who shall enlist into His Majesty's Royal Marine Forces, and shall state to the Magistrate before whom he shall be attested that he is not an Apprentice, shall be deemed guilty of obtaining Money by false Pretences, and shall, after the Expiration of his Apprenticeship, whether he shall have been so convicted and punished or not, be liable to serve as a Marine, and if on the Expiration of his Apprenticeship he shall not deliver himself up to some Officer authorized to receive Recruits may be taken as a Deserter from His Majesty's Royal Marine Forces.

Punishment of Apprentices enlisting.

XXXVI. And be it enacted, That no Apprentice claimed by his Master shall be taken from any Division, Detachment, Recruiting Party, or Ship of His Majesty, except under a Warrant of a Justice residing near and within whose Jurisdiction such Apprentice shall then happen to be, before whom he shall be carried; and such Justice shall inquire into the Matter upon Oath (which Oath he is hereby empowered to administer), and require the Production and Proof of the Indenture, and that Notice of the said Warrant has been given to and a Copy left with the Officer under whose Command the Apprentice shall then be, and that such Person so enlisted declared that he was no Apprentice; and such Justice, if required by such Officer, shall

commit the Offender to the Common Gaol of the said Place where the Apprentice shall be apprehended, and shall keep the Indenture to be produced when required, and shall bind over such Person as he may think proper to give Evidence against the Offender, who shall be tried at the next or next succeeding General or Quarter Sessions of the County, Division, or Place, unless the Court shall on just Cause put off the Trial; and the Production of the Indenture, with the Certificate of the Justices that the same was proved, shall be sufficient Evidence of the said Indenture; and every such Offender in *Scotland* may be tried by the Judge Ordinary in the County or Stewartry, in such and the like Manner as any Person may be tried in *Scotland* for any Offence not inferring a Capital Punishment; and any Justice not required as aforesaid to commit such Apprentice may deliver him to his Master: Provided always, that every Apprentice who shall enlist into the Royal Marines during the Period of his Apprenticeship shall be deemed guilty of a Misdemeanor, and upon Conviction be liable to the same Punishment as Offenders convicted of obtaining Money under false Pretences are liable to; and every such Apprentice shall, after the Expiration of his Apprenticeship, whether he shall have been prosecuted or not, be liable to serve in His Majesty's Royal Marine Forces; and if on the Expiration of his Apprenticeship he shall not deliver himself up to some Officer authorized to receive Recruits, he may be apprehended as a Deserter from His Majesty's Marine Forces.

Offences connected with Enlistment.

XXXVII. And be it enacted, That if any Recruit shall receive the Enlisting Money from any Person employed in the Recruiting Service (knowing it to be such), and shall abscond or refuse to go before such Justice, or shall thereafter absent himself from the Recruiting Party or Person with whom he enlisted, and shall not voluntarily return to go before some Justice within such Period of Four Days as aforesaid, such Recruit shall be deemed to be enlisted and a Private in His Majesty's Royal Marine Forces, as fully to all Intents and Purposes as if he had been duly attested, and may be apprehended and punished as a Deserter, or for being absent without Leave, under any Articles of War made for the Punishment of Mutiny and Desertion; and such Recruit shall not be discharged by any Justice of the Peace after the Expiration of such Four Days as aforesaid, unless it shall be proved to the Satisfaction of such Justice that the true Name and Residence of the Recruit was disclosed and known to the Recruiting Party, and that no Notice was given to the Recruit, or left at his usual Place of Abode, of his having so enlisted; provided that in every Case wherein any Recruit shall have received Enlisting Money, and shall have absconded from the Party, so that it shall not be possible immediately to apprehend and bring him before a Justice, the Officer or Non-commissioned Officer commanding the Party shall produce, to the Justice before whom the Recruit ought regularly to have been brought for Attestation, a Certificate of the Name and Place of Residence of such Recruit; and the Justice to whom such Certificate shall be produced shall, after satisfying himself that the Recruit who had absconded cannot be found and apprehended, transmit a Duplicate thereof to the Secretary of the Admiralty, in order that, in the Event of such Recruit being afterwards

apprehended and reported as a Deserter, the Fact of his having received Enlisting Money, and having absconded after having been enlisted, may be ascertained before he be finally adjudged to be a Deserter; and any Recruit who shall enlist into His Majesty's Royal Marine Forces, and who shall be discovered to be incapable of active Service by reason of any Infirmity concealed or not declared by such Recruit before the Justice at the Time of his Attestation, and mentioned therein, may be transferred into a Garrison or Veteran or Invalid Battalion, and shall be entitled to receive such Proportion or Residue of Bounty only as the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, may allow in that Behalf, instead of the Bounty upon which such Man shall have been enlisted, any Act or any Rules and Regulations to the contrary notwithstanding; and it shall be lawful for any Two Justices before whom any Recruit shall be brought, and who shall be proved upon Oath before them to have wilfully concealed his having been a Marine or Soldier and discharged, or to have concealed his having been discharged on any prior Enlistment, or to have wilfully concealed any Infirmity upon being attested, or designedly made any false Representation, to adjudge such Person to be a Rogue and Vagabond, and to sentence him to such Punishment as by any Law now in force may be inflicted on Rogues and Vagabonds and Vagrants and incorrigible Rogues; and any Recruit who shall designedly make any false Representation of any Particular contained in the Oaths and Certificates in the Schedule to this Act annexed before the Justice at the Time of his Attestation, and shall thereby obtain any Enlisting Money, or any Bounty for entering into His Majesty's Service, or any other Money, shall be deemed guilty of obtaining Money under false Pretences, within the true Intent and Meaning, if in *England*, of an Act, intituled *An Act for consolidating and amending the Laws in* England *relative to Larceny and other Offences connected therewith;* and if in *Ireland*, of an Act passed in the Ninth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for consolidating and amending the Laws in* Ireland *relative to Larceny and other Offences connected therewith;* and the Production of such Certificate, and Proof of the Handwriting of the Justice giving such Certificate, shall be sufficient Evidence of such Party having represented the several Particulars contained in the Oath sworn by him, and specified in the Certificate of the Justice at the Time of his having been attested; and that Proof by the Oath of One or more credible Witnesses that the Person so prosecuted hath voluntarily acknowledged that at the Time of his Enlistment he belonged to the Militia, or to any Regiment in His Majesty's Service, or to His Majesty's Navy or Marines, shall be deemed and taken as Evidence of the Fact so by him acknowledged, without Production of any Roll or other Document to prove the same; and any Man who, having been enrolled to serve in the Militia, and who at the Time of offering to enlist into the Marines shall deny that he is a Militia Man, or shall deny to the Justice before whom he shall be attested that he belongs to the Militia, shall, on Conviction thereof before any One Justice in the United Kingdom, either upon the Oath of One Witness or upon his own Confession, or upon the Production of the Attestation and the before-mentioned Declaration of such Person,

7 & 8 G. 4. c. 29.

9 G. 4. c. 55.

certified by the Secretary of the Admiralty, be committed to the Common Gaol or House of Correction, there to remain without Bail or Mainprize for and during any Time not exceeding Six Calendar Months, over and above any Penalty or Punishment to which such Person so offending may be otherwise liable; and shall, from the Day on which his Engagement to serve in the Militia shall end, and not sooner, belong as a Soldier to the Division of His Majesty's Royal Marine Forces into which he has so enlisted; provided also, that every such Person shall be liable to serve in His Majesty's Royal Marine Forces in which he has so enlisted during all the Time the Militia to which he shall belong shall remain disembodied, or shall not be called out for Training or Exercise, and shall during all such Time be subject to all the Provisions of this Act, and be liable to be apprehended and dealt with and punished as a Deserter from the Marines if he shall neglect or refuse to join and serve therein.

Yearly Servants enlisting to be entitled to a Proportion of their Wages.

XXXVIII. And be it enacted, That it shall be lawful for the Justice before whom any Recruit (being a hired Servant) shall be attested, before the Expiration of the Term of Service for which he shall have been hired, to adjudge to such Recruit a reasonable Proportion of his Wages for the Time he shall have actually served, to be forthwith paid by the Master, upon whom the said Justice shall make an Order accordingly, and if the same be not paid within Four Days shall enforce the Payment thereof by the same Means as pecuniary Penalties may under this Act be recovered before a Justice.

Penalty on Officers offending as to Enlistment.

XXXIX. And be it enacted, That every Marine Officer who shall designedly act contrary to the Provisions of this Act, in any respect regarding the enlisting and attesting of Recruits for His Majesty's Service, shall, upon Proof thereof upon Oath by Two Witnesses before a General Court-martial, be cashiered, and disabled to hold any Civil or Military Office or Employment in His Majesty's Service.

Claims of Masters to Apprentices

XL. And be it enacted, That no Master shall be entitled to claim an Apprentice who shall enlist as a Marine in His Majesty's Service, unless such Master shall, within One Calendar Month next after such Apprentice shall have left his Service, go before some Justice, and take and subscribe the Oath mentioned in the Schedule to this Act annexed, and at the Time of making his Claim produce to the Officer under whose Command the Recruit shall be the Certificate of such Justice of his having taken such Oath, which Certificate such Justice is required to give in the Form in the Schedule to this Act annexed; nor unless such Apprentice shall have been bound, if in *England*, for the full Term of Seven Years, (not having been above the Age of Fourteen when so bound,) and, if in *Ireland* or in the *British* Isles, for the full Term of Five Years at the least, (not having been above the Age of Sixteen when so bound,) and, if in *Scotland*, for the full Term at least of Four Years, by a regular Contract of Indenture of Apprenticeship, duly extended, signed, and tested, and binding on both Parties by the Law of *Scotland*, prior to the Period of Enlistment, and unless such Contract or Indenture so duly executed shall, within Three Months after the Commencement of the Apprenticeship and before the Period of Enlistment, have been produced

produced to a Justice of the Peace of the County wherein the Parties reside, and there shall have been indorsed thereon by such Justice a Certificate or Declaration signed by him, specifying the Date when and the Person by whom such Contract or Indenture shall have been so produced, which Certificate or Declaration such Justice of the Peace is hereby required to indorse and sign; nor unless any such Apprentice shall, when claimed by such Master, be under Twenty-one Years of Age; provided that any Master of an Apprentice indentured for the Sea Service shall be entitled to claim and recover him in the Form and Manner above directed, notwithstanding such Apprentice may have been bound for a less Term than Seven, Five, or Four Years as aforesaid; and any such Master who shall give up the Indentures of Apprenticeship within One Month after the enlisting of such Apprentice shall be entitled to receive, to his own Use, so much of the Bounty payable to such Recruit, after deducting therefrom Two Guineas to provide him with Necessaries, as shall not have been paid to such Recruit before Notice given of his being an Apprentice.

Musters, and Penalty on false Musters.

XLI. And be it enacted, That Musters, as have been customary, shall be taken of every Division or Company of Royal Marines once in every Calendar Month, as shall be appointed; and no Officer or Marine shall be absent from any such Muster unless duly certified to be employed on some other Duty of the Corps, or sick, or in Prison, or on Furlough; and every Person belonging to His Majesty's Service who shall give or procure to be given any untrue Certificate, thereby to excuse any Person from any Muster or other Service which he ought to attend or perform, or shall make any false or untrue Muster of Man or Horse, or shall willingly allow or sign any false Muster or Duplicate thereof, or shall directly or indirectly take or receive any Money or Gratuity for mustering any Person, or for signing any Muster Roll or Duplicate, or shall knowingly muster any Person by a wrong Name, shall, upon Proof by Two Witnesses before a General Court-martial, for any such Offence be forthwith cashiered, and disabled to have or hold any Civil or Military Office or Employment in the Service of His Majesty; and any Person who shall fraudulently offer or procure himself to be falsely mustered, or lend or furnish any Horse to be falsely mustered, shall, upon Proof thereof by the Oaths of Two Witnesses before some Justice of the Peace residing near to the Place where such Muster shall be made, forfeit the Sum of Twenty Pounds, and the Informer, if he belong to His Majesty's Service, shall, if he demand it, be forthwith discharged; and if any Person not belonging to His Majesty's Service shall give or sign any untrue Certificate of Illness or otherwise, in order to excuse any Officer or Marine from Appearance at any Muster, or whereby His Majesty's Service may be defrauded, every Person so offending shall for every such Offence forfeit the Sum of Twenty Pounds.

Verifying of Muster Rolls.

XLII. And be it enacted, That all Muster Rolls and Pay Lists of Royal Marines required to be verified upon Oath shall be sworn before and attested by any Justice of the Peace, without Fee or Reward to himself or his Clerk.

XLIII. And

XLIII. And be it enacted, That when there shall not be any Officer of His Majesty's Land or Marine Forces of the Rank of Captain or of a superior Rank, or any Adjutant of Militia, within convenient Distance of the Place where any Non-commissioned Officer or Marine on Furlough shall be detained by Sickness or other Casualty rendering necessary any Extension of such Furlough, it shall be lawful for any Justice, who shall be satisfied of such Necessity, to grant an Extension of Furlough for a Period not exceeding One Month; and the said Justice shall immediately certify such Extension, and the Cause thereof, to the Commanding Officer of the Division or Detachment to which the Man belongs, if known, and if not, then to the Secretary of the Admiralty, in order that the necessary Allowance of Pay and Subsistence may be remitted to the Marine, who shall not during the Period of such Extension of Furlough be liable to be treated as a Deserter; provided that nothing herein contained shall be construed to exempt any Marine from Trial and Punishment, according to the Provision of this Act, for any false Representation made by him in that Behalf to the said Officer or Justice so extending the Furlough, or for any Breach of Discipline committed by him in applying for and obtaining the said Extension of Furlough. Extension of Furlough in case of Sickness.

XLIV. And be it enacted, That every Marine upon being discharged from the Service shall be entitled to an Allowance (not exceeding in any Case the Amount of Twenty-one Days marching Money) to enable him to reach his Home, which Allowance shall be calculated according to the Distance he has to travel: Provided always, that no Person who shall purchase his own Discharge, or be discharged on account of Misbehaviour, or at his own Desire, shall be entitled to any such Allowance. Marching Money on Discharge.

XLV. And whereas there is and may be Occasion for the marching and also for the quartering of the Royal Marine Forces when on Shore; be it enacted, That during the Continuance of this Act, upon the Order or Orders in Writing in that Behalf under the Hand of the Lord High Admiral, or the Hands of Two or more of the Commissioners for executing the Office of Lord High Admiral, for the Time being, it shall be lawful for all Constables and other Persons specified in this Act, in *England* and *Ireland*, and they are hereby required, to billet the Officers and Marines whether marching or otherwise, and also all Staff and Field Officers Horses, and all Bât and Baggage Horses belonging to the Royal Marine Forces, when on actual Service, (not exceeding for each Officer the Number for which Forage is allowed by His Majesty's Regulations,) in Victualling Houses and other Houses specified in this Act, taking care in *Ireland* not to billet less than Two Men in any One House; and they shall be received by the Occupiers of such Houses, and be furnished with proper Accommodation in such Houses, and in *England* with Diet and Small Beer, and with Stables, Hay, and Straw for such Horses as aforesaid, paying and allowing for the same the several Rates herein-after provided; and at no Times when Marines are on a March shall any of them be billetted above One Mile from the Place mentioned in the Route; and in all Places where Marines shall be billetted in pursuance of this Act, Billetting of Marines.

the Officers and their Horses shall be billetted in one and the same House, except in case of Necessity; and the Constables are hereby required to billet all Marines on their March in a just and equal Proportion upon the Keepers of all Houses within One Mile of the Place mentioned in the Route, although some of such Houses may be in the adjoining County, in like Manner in every respect as if such Houses were therein locally situate: Provided always, that nothing herein contained shall be construed to extend to authorize any Constable to billet Marines out of the County to which such Constable belongs, when the Constable of the adjoining County shall be present, and undertake to billet the due Proportion of Men in such adjoining County; and no more Billets shall at any Time be ordered than there are effective Marines and Horses present to be billetted; all which Billets, when made out by such Constables, shall be delivered into the Hands of the Commanding Officer present; and if any Person shall find himself aggrieved by having an undue Proportion of Marines billetted in his House, and shall prefer his Complaint, if against a Constable or other Person not being a Justice, to One or more Justices, and if against a Justice, then to Two or more Justices, within whose Jurisdiction such Marines are billetted, such Justices respectively shall have Power to order such of the Marines to be removed and to be billetted upon other Persons, as they shall see Cause; and when any Horses belonging to the Officers of His Majesty's Royal Marine Forces shall be billetted upon the Occupiers of Houses who shall have no Stables, then upon a written Requisition of the Officer commanding such Marines, the Constable is hereby required to billet the Horses upon some other Person having Stables by this Act liable to have Officers and Marines billetted upon them, and any Two or more Justices of the Peace may order a proper Allowance to be paid by the Persons relieved to the Persons receiving such Horses, or to be applied in the furnishing the requisite Accommodation; and the Commanding Officer may exchange any Man or Horse billetted in any Place with another Man or Horse billetted in the same Place, for the Convenience or Benefit of the Service, provided the Number of Men and Horses do not exceed the Number at that Time billetted on such Houses; and the Constables are hereby required to billet such Men and Horses so exchanged accordingly; and it shall be lawful for any Justice, at the Request of any Officer or Non-commissioned Officer commanding any Marines requiring Billets, to extend any Route, or enlarge the District within which Billets shall be required, in such Manner as shall appear to be most convenient to His Majesty's Service: Provided always, that to prevent or punish all Abuses in billetting Marines, it shall be lawful for any Justice, within his Jurisdiction, by Warrant or Order under his Hand, to require any Constable to give him an Account in Writing of the Number of Officers and Marines who shall be quartered by such Constable, together with the Names of the Persons upon whom such Officers and Marines are billetted, stating the Street or Place where such Persons dwell, and the Signs, if any, belonging to their Houses; and it shall be lawful to billet Officers and Marines in *Scotland* according to the Provisions of the Laws in force in *Scotland* at the Time of its Union with *England;* and no Officer shall be obliged to pay for his Lodging

where he shall be regularly billetted, except in the Suburbs of *Edinburgh*: Provided always, that no Justice, being an Officer of Royal Marines, shall directly or indirectly be concerned in billetting or appointing Quarters under this Act.

Allowance to Innkeepers.

XLVI. And be it enacted, That the Innholder or other Person on whom any Marine is billetted in *England* shall, if required by such Marine, furnish him for every Day on the March, and for a Period not exceeding Two Days when halted at any intermediate Place upon the March, and for the Day of Arrival at the Place of final Destination, with One hot Meal in each Day, the Meal to consist of such Quantities of Diet and Small Beer as may be fixed by His Majesty's Regulations, not exceeding One Pound and a Quarter of Meat previous to being dressed, One Pound of Bread, One Pound of Potatoes or other Vegetables, and Two Pints of Small Beer, and Vinegar, Salt, and Pepper, and for such Meal the Innholder, or other Person furnishing the same, shall be paid the Sum of Ten-pence; and all Innholders and other Persons on whom Marines may be billetted in *England* (except on the March, when they are entitled to be furnished with the hot Meal as aforesaid,) shall furnish such Marines with Candles, Vinegar, and Salt, and shall allow them the Use of Fire and the necessary Utensils for dressing and eating their Meat, and shall be paid in consideration thereof the Sum of a Half-penny *per Diem* for each Marine; and the Sum to be paid the Innholder or other Person on whom any of the Horses belonging to His Majesty's Royal Marine Forces shall be billetted, in *England*, for Hay and Straw, shall be Ten-pence *per Diem* for each Horse, and in *Ireland* the Sum to be paid for Forage to the Innholder or other Person for Horses billetted, by virtue of this Act, shall be the Rate established by the Lord Lieutenant or other sufficient Authority from Time to Time, the same to be regulated by the average Rate of Contracts for Forage in *Ireland*; and for the Use of Stables in *Ireland*, when such Horses are provided with Hay and Straw by Contract, and not by the Occupiers of the Houses in which they are billetted, the Sum of Four-pence *per* Week for each Horse shall be paid; and every Officer to whom it belongs to receive or who shall actually receive the Pay and Subsistence of the said Men shall every Four Days, or before they shall quit their Quarters, if they shall not remain so long as Four Days, settle the just Demands of all Victuallers or other Persons on whom such Men are billetted, out of their Pay and Subsistence, before any Part of the said Pay or Subsistence be distributed to them respectively; and if any such Officer shall not pay the same, then upon Complaint, and Oath made thereof by any Two Witnesses, at the next Quarter Session for the County or City where such Quarters are situate, the Secretary of the Admiralty is hereby required, upon Certificate of the Justices before whom such Oath shall be made of the Sum due to the Complainant, to order Payment of the Amount, which shall be charged against such Officer; and in case of any Marines being suddenly ordered to march, and of the Commanding Officer not being enabled to make immediate Payment of the Sums due on account of the Billets, every such Officer shall before his Departure make up the Account with every Person upon whom any such Marines may have been billetted, and

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sign a Certificate thereof; which Account and Certificate, on being transmitted to the Secretary of the Admiralty, shall be immediately paid, and charged to the Officer's Account.

Supply of Carriages.

XLVII. And be it enacted, That for the regular Provision of Carriages for the Royal Marine Forces and their Baggage, on their Marches in *England* and *Ireland*, all Justices of the Peace within their several Jurisdictions, being duly required thereunto by Order of the said Lord High Admiral, or Two or more of the Commissioners for executing the said Office of Lord High Admiral, for the Time being, shall, on the Production of such Order to them, or any One or more of them, by the Officer or Non-commissioned Officer of the Party of Marines so ordered to march, issue a Warrant to any Constable having Authority to act in any Place from, through, near, or to which such Marines shall be ordered to march, (for each of which Warrants a Fee of One Shilling only shall be paid,) requiring him to provide the Carriages, Horses, Oxen, and Drivers therein mentioned, (allowing sufficient Time to do the same,) specifying the Places from and to which the said Carriages shall travel, and the Number of Miles between the Places, for which Number only so specified Payment shall be demanded, and which Number of Miles shall not, except in Cases of pressing Emergency, exceed the Day's March prescribed in the Order of Route, and shall in no Case exceed Twenty-five Miles; and the Constables receiving such Warrant shall order such Persons as they shall think proper, having Carriages, to furnish the requisite Supply, who are hereby required to furnish the same accordingly; and in case sufficient Carriages cannot be procured within the proper Jurisdiction, any Justice of the next adjoining Jurisdiction shall, by a like Course of proceeding, supply the Deficiency; and in order that the Burthen of providing Carriages may fall equally, and to prevent Inconvenience arising from there being no Justice residing near the Place where Marines may be quartered on the March, the Justice or Justices residing nearest to such Place shall cause a List to be made out, at least once in every Year, of all Persons liable to furnish such Carriages, and of the Number and Description of their said Carriages, (which Lists shall at all seasonable Hours be open to the Inspection of the said Persons,) and may by Warrant under his Hand authorize the Constables within his Jurisdiction to give Orders to provide Carriages, without any special Warrant for that Purpose, which Orders shall be valid in all respects; and all Orders for such Carriages shall be made from such Lists in regular Rotation, so far as the same can be done.

Rates for Carriages.

XLVIII. And be it enacted, That the Rates to be paid for Carriages impressed shall be, in *England*, for every Mile which a Waggon with Four or more Horses, or a Wain with Six Oxen or Four Oxen and Two Horses, shall travel, One Shilling; and for every Mile any Waggon with narrow Wheels, or any Cart with Four Horses, carrying not less than Fifteen Hundred Weight, shall travel, Nine-pence; and for every Mile every other Cart or Carriage with less than Four Horses, and not carrying Fifteen Hundred Weight, shall travel, Six-pence; and in *Ireland*, for every Hundred Weight loaded on any Wheel Carriage, One Halfpenny *per* Mile; and in *England* such further

further Rates may be added, not exceeding a total additional Sum *per* Mile of Four-pence, Three-pence, or Two-pence, to the respective Rates of One Shilling, Nine-pence, and Sixpence, as may seem reasonable to the Justices assembled at General Sessions in *England*, for their respective Districts; and the Order of such Justices at Sessions shall specify the average Price of Hay and Oats at the nearest Market Town at the Time of fixing such additional Rates, and the Period for which the Order shall be enforced, not exceeding Ten Days beyond the next General Sessions; (and no such Order shall be valid unless a Copy thereof, signed by the presiding Magistrate and One other Justice, shall be transmitted to the Secretary of the Admiralty within Three Days after the making thereof;) and also in *England*, when the Day's March shall exceed Fifteen Miles, the Justice granting his Warrant may fix a further reasonable Compensation, not exceeding the usual Rate of Hire fixed by this Act; and when additional Rates or Compensation shall be granted, the Justice shall insert, in his own Hand, in the Warrant, the Amount thereof, and the Date of the Order of Sessions, if fixed by Sessions, and the Warrant shall be given to the Officer commanding as his Voucher: Provided always, that the Officer or Non-commissioned Officer demanding Carriages by virtue of the Warrant of a Justice shall, in *England*, pay down the proper Sums into the Hands of the Constables providing Carriages, who shall give Receipts for the same on unstamped Paper; and, in *Ireland*, the Officers or Non-commissioned Officers as aforesaid shall pay the Owners or Drivers of the Carriages, and One Third Part of such Payment shall be made before the Carriage be loaded, and all the said Payments in *Ireland* shall be made, if required, in Presence of a Justice or Constable: Provided also, that no Carriage shall be liable to carry more than Thirty Hundred Weight in *England*, and in *Ireland* no Car shall be liable to carry more than Six Hundred Weight, and no Dray more than Twelve Hundred Weight; but the Owner of such Carriages in *Ireland*, consenting to carry a greater Weight, shall be paid at the same Rate for every Hundred Weight of the said Excess; and the Owners of such Carriages in *Ireland* shall not be compelled to proceed, though with any less Weight, under the Sum of Three-pence a Mile for each Car, and Sixpence a Mile for each Dray; and the Loading of such Carriages in *Ireland* shall be first weighed, if required, at the Expence of the Owner of the Carriage, if the same can be done in a reasonable Time, without Hindrance of His Majesty's Service; and the providing and paying for Carriages in *Scotland* shall be regulated by the Law in force at the Time of the Union with *England*: Provided also, that a Cart with One or more Horses, for which the Furnisher shall receive Nine-pence a Mile, shall be required to carry Fifteen Hundred Weight at the least; and that no Penalties or Forfeitures in any Act relating to Highways or Turnpike Roads in the United Kingdom shall apply to the Number of Horses or Oxen, or Weight of Loading of the aforesaid Carriages, nor shall any such Carriages on that Account be stopped or detained.

Exemption from Tolls.

XLIX. And be it enacted, That all Officers and Marines, being in proper Uniform, Dress or Undress, and their Horses, but not when passing in any private or hired Vehicle, and all Carriages and Horses

when employed in conveying Persons or Baggage under the Provisions of this Act, or returning therefrom, shall be exempted from the Payment of any Duties and Tolls on embarking or disembarking from or upon any Pier, Wharf, Quay, or Landing Place, or passing Turnpike Roads or Bridges, otherwise demandable by virtue of any Act already made or hereafter to be made; provided that nothing herein contained shall exempt any Boats, Barges, or other Vessels employed in conveying the said Persons, Horses, Baggage, or Stores along any Canal, from Payment of Tolls in like Manner as other Boats, Barges, and Vessels are liable thereto; and that when any Officers or Marines on Service shall have Occasion in the March to pass regular Ferries in *Scotland*, the Officer commanding shall be at liberty to pass over with his Marines as Passengers, paying for himself and each Marine One Half only of the ordinary Rate payable by Passengers, or he shall be at liberty to hire the Ferry Boat for himself and his Party, debarring all others for that Time, and shall in such Case pay only Half the ordinary Rate for such Boat.

Penalties upon Civil Subjects offending against the Laws relating to Billets and Carriages.

L. And be it enacted, That if any Constable or other Person, who by virtue of this Act shall be employed in billetting any Officers or Marines in any Part of the United Kingdom, shall presume to billet any such Officer or Marine in any House not within the Meaning of this Act, without the Consent of the Owner or Occupier thereof; or shall neglect or refuse to billet any Officer or Marine on Duty, when thereunto required, in such Manner as is by this Act directed, provided sufficient Notice be given before the Arrival of such Marines; or shall receive, demand, or agree for any Money or Reward whatsoever, in order to excuse any Person from receiving any such Officer or Marine; or shall quarter any of the Wives, Children, Men or Maid Servants of any Officer or Marine in any such Houses, against the Consent of the Occupiers; or shall neglect or refuse to execute such Warrants of the Justices as shall be directed to him for providing Carriages, Horses, or Vessels, or shall demand more than the legal Rates for the same; or if any Person appointed by such Constable to provide Carriages, Horses, or Vessels shall do any Act or Thing by which the Execution of such Warrants shall be hindered; or if any Person liable by this Act to have any Officer or Marine quartered on him shall refuse to receive and to afford proper Accommodation or Diet in the House of such Person in which he is quartered, or to furnish the several Things directed to be furnished to Officers and Marines, or shall neglect or refuse to furnish good and sufficient Stables, together with good and sufficient Hay and Straw, for each Horse, at the Rate established by any Act in force in that respect; or shall pay any Sum of Money to any Marine on the March in lieu of furnishing in Kind the Diet and Small Beer to which such Marine is entitled; such Constable, Victualler, and other Person respectively shall forfeit for every Offence, Neglect, or Refusal any Sum not exceeding Five Pounds nor less than Forty Shillings.

Penalty upon Officers of Marines so offending.

LI. And be it enacted, That if any Officer of Royal Marines shall take upon him to quarter Men otherwise than is allowed by this Act, or shall use or offer any Menace or Compulsion to or upon

any Justice, Constable, or other Civil Officer, tending to deter and discourage any of them from performing any Part of their Duty under this Act, or to do any thing contrary thereto, such Officer shall for every such Offence, being thereof convicted before any Two or more Justices of the County by the Oath of Two credible Witnesses, be deemed and taken to be *ipso facto* cashiered, and shall be utterly disabled to hold any Military Employment in His Majesty's Service; provided a Certificate thereof be forthwith transmitted by the said Justices to the Secretary of the Admiralty, and that the Conviction be affirmed at some Quarter Sessions of the Peace for the said County to be held next after the Expiration of Three Months after such Certificate shall have been transmitted as aforesaid; and if any Marine Officer shall take, or knowingly suffer to be taken, any Money or Reward of any Person for excusing the quartering of Officers or Marines, or shall billet any of the Wives, Children, Men or Maid Servants of any Officer or Marine in any House, against the Consent of the Occupier, he shall for any of the said Offences, upon being convicted thereof before a General Court-martial, be cashiered; and if any Officer shall constrain any Carriage to travel beyond the Distance specified in the Justice's Warrant, or shall not discharge the same in due Time for their Return Home on the same Day, if it be practicable, except in the Case of Emergency, for which the Justice shall have given Licence, or shall compel the Driver of any Carriage to take up any Marine or Servant (except such as are sick) or any Woman to ride therein, except in Cases of Emergency as aforesaid, or shall force any Constable, by threatening Words, to provide Saddle Horses for himself or Servants, or shall force Horses from their Owners, or in *Ireland* shall force the Owner to take any Loading until the same shall be first duly weighed, if the same shall be required and can be done within a reasonable Time, or shall, contrary to the Will of the Owner or his Servant, permit any Person whatsoever to put any greater Load upon any Carriage than is directed by this Act, he shall forfeit for every Offence any Sum not exceeding Five Pounds or less than Forty Shillings.

Penalty for purchasing Clothes, &c. from any Marine.

LII. And be it enacted, That any Person who shall unlawfully have in his or her Possession or Keeping, or who shall knowingly detain, buy, or exchange, or otherwise receive, any Arms, Ammunition, Clothes, Cap, or other Military Furniture or Appointments, from any Marine or Marine Deserter, or any other Person, upon any Account or Pretence whatsoever, or shall solicit or entice any Marine, or shall be employed by any Marine, knowing him to be such, to sell any Arms, Ammunition, Clothes, or Military Furniture, or any Provisions, Sheets, or other Articles belonging to any Marine or Marine Deserter, which are generally deemed Regimental Necessaries, according to the Custom of the Royal Marine Corps, or shall change or cause the Colour or Mark of any such Clothes, Appointments, or Necessaries to be changed or defaced, shall forfeit for every such Offence the Sum of Twenty Pounds, together with Treble the Value of all or any of the several Articles of which such Offender shall so become possessed; and if any credible Person shall prove on Oath before a Justice of the Peace a reasonable Cause to suspect that any Person has in his or her Possession, or on his or her Premises, any

Property

Property of the Description herein-before described, on or with respect to which any such Offence shall have been committed, the Justice may grant a Warrant to search for such Property as in the Case of stolen Goods.

Penalty on Officers killing Game.

LIII. And for the better Preservation of the Game and Fish in or near such Place where any Officers shall at any Time be quartered, be it enacted, That every Officer who shall, without Leave in Writing from the Person or Persons entitled to grant such Leave, take, kill, or destroy any Game or Fish within the United Kingdom, and who upon Complaint thereof shall be, upon Oath of One or more credible Witness or Witnesses, convicted before any Justice, shall for every such Offence forfeit the Sum of Five Pounds.

Officers not liable to take Parish Apprentices.

LIV. And be it enacted, That no Officer of His Majesty's Royal Marine Forces residing in Barracks or elsewhere under Military Law shall be deemed liable to have any Parish Poor Child bound Apprentice to him.

Mode of recording a Marine's Settlement.

LV. And be it enacted, That any Justice in the United Kingdom, within whose Jurisdiction any Marine shall be quartered, may summon such Marine before him, which Summons such Marine is hereby required to obey, and take his Examination in Writing, upon Oath, touching the Place of his last legal Settlement in *England*, and such Justice shall give an attested Copy of such Examination to the Person so examined, to be by him delivered to his Commanding Officer, to be produced when required; which said Examination and such attested Copy shall be at any Time admitted in Evidence as to such last legal Settlement before any Justice or at any General or Quarter Sessions of the Peace, although such Marine be dead or absent from the Kingdom: Provided always, that in case any Marine shall be again summoned to make Oath as aforesaid, then, on such Examination or such attested Copy being produced, such Marine shall not be obliged to make any other or further Oath with regard to his legal Settlement, but shall leave with such Justice a Copy of such Examination, or a Copy of such attested Copy of Examination, if required.

Administration of Oaths.

Perjury.

LVI. And be it enacted, That all Oaths which are authorized or required by this Act may be administered (unless where otherwise provided) by any Justice of the Peace or Magistrate acting as such; and that any Person giving false Evidence or taking a false Oath in any Case wherein an Oath is authorized or required to be taken by this Act, and being thereof duly convicted, shall be deemed guilty of wilful and corrupt Perjury, and shall be liable to such Pains and Penalties as Persons convicted of wilful and corrupt Perjury are or may be subject and liable to.

Licences of Canteens.

LVII. And be it enacted, That it shall be lawful for any Two Justices of the Peace, within their respective Jurisdictions, to grant or transfer any Licence for selling by Retail any Spirit, Beer, Wine, Cider, or Perry to any Person or Persons applying for the same who shall hold any Canteen under any Lease thereof, or by Agreement with

with any Department or other Authority under the said Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, for the Time being, without regard to the Time of Year, or any Notices or Certificates required by any Act in respect of such Licences; and the Commissioners of Excise within their respective Districts shall also grant or transfer any such Licence as aforesaid; and such Persons holding such Canteens, and having such Licences as aforesaid, may sell therein Victuals, and all such exciseable Liquors as they shall be licensed and empowered to sell, without being subject for so doing to any Penalty or Forfeiture whatever.

Limitation of Actions.

LVIII. And be it enacted, That if any Action shall be brought against any Member or Minister of a Court-martial to be assembled under the Authority of this Act, in respect of the Proceedings or the Sentence thereof, or against any other Person for any thing done in pursuance or under the Authority of this Act, the same shall be brought in some one of the Courts of Record at *Westminster* or *Dublin*, or in the Court of Session in *Scotland*, and shall be commenced within Six Months next after the Cause of Action shall arise, and that it shall be lawful for the Defendant or Defendants therein to plead thereto the General Issue, and to give all special Matter in Evidence on the Trial; and if the Verdict shall be for the Defendant in any such Action, or if the Plaintiff shall become Nonsuit, or suffer any Discontinuance thereof, or if, in *Scotland*, the Court shall see fit to assoilzie the Defendant or dismiss the Complaint, the Court in which the Matter shall be tried shall allow the Defendant Treble Costs, for the Recovery of which he shall have the like Remedy as in other Cases where Costs by the Laws of this Realm are given to Defendants.

Recovery of Penalties.

LIX. And be it enacted, That all Offences for which any Penalties and Forfeitures are by this Act imposed, not exceeding Twenty Pounds, over and above any Forfeiture of Value and Treble Value, shall and may be determined, and such Penalties and Forfeitures and Forfeiture of Value and Treble Value shall and may be recovered, in any Part of the United Kingdom, before One or more Justices of the Peace, under the Provisions of an Act passed in the Third Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to facilitate summary Proceedings before Justices of the Peace and others;* and by another Act, passed in the Fifth Year of the Reign of His said late Majesty, intituled *An Act for the more effectual Recovery of Penalties before Justices and Magistrates on Conviction of Offenders, for facilitating the Execution of Warrants by Constables:* Provided always, that in all Cases in which there shall not be sufficient Goods whereon any Penalty or Forfeiture can be levied, the Offender may be committed and imprisoned for any Time not exceeding Six Months; which said recited Acts shall be used and applied in *Scotland* for the Recovery of all such Penalties and Forfeitures as fully to all Intents as if the said recited Acts had extended to *Scotland*, any thing in the said recited Acts to the contrary notwithstanding; and all such Offences committed in the *British* Isles, or in any of His Majesty's Dominions beyond the Seas, may be determined, and the Penalties and Forfeitures of Value or Treble

3 G. 4. c. 23.

5 G. 4. c. 18.

Value recovered, before any Justices of the Peace or Persons exercising like Authority, according to the Laws of the Part of His Majesty's Dominions in which the Offence shall be committed; and all Penalties and Forfeitures by this Act imposed exceeding Twenty Pounds shall be recovered by Action in some of the Courts of Record at *Westminster* or in *Dublin*, or in the Court of Session in *Scotland*, and in no other Court in the United Kingdom, and may be recovered in the *British* Isles, or in any other Parts of His Majesty's Dominions, in any of the Royal or Superior Courts of such Isles or other Parts of His Majesty's Dominions.

Appropriation of Penalties.

LX. And be it enacted, That one Moiety of every such Penalty or Forfeiture, not including any Treble Value of any Articles, shall go to the Person who shall inform or sue for the same, and the other Moiety, together with the Treble Value of such Articles, or where the Offence shall be proved by the Person who shall inform, then the whole of the Penalty and such Treble Value, shall be paid over and applied in such Manner as the Lord High Admiral or the Commissioners for executing the Office of Lord High Admiral shall direct; and every Justice who shall adjudge any Penalty under this Act shall, within Four Days thereafter at the furthest, report the same and his Adjudication thereof to the Secretary of the Admiralty.

Definition of Terms.

LXI. And be it enacted, That all Clauses and Provisions in this Act contained relating to *England* shall be construed to extend to *Wales* and the Town of *Berwick-upon-Tweed*; and all Clauses and Provisions relating to Marines shall be construed to include Non-commissioned Officers and Drummers, unless when otherwise provided; and all Clauses and Provisions relating to Justices shall be construed to extend to all Magistrates authorized to act as such in their respective Jurisdictions; and all the Powers given to and Regulations made for the Conduct of Constables, and all Penalties and Forfeitures for any Neglect thereof, shall extend to all Tithingmen, Headboroughs, and such like Officers, and High Constables and other Chief Officers and Magistrates of Cities, Towns, Villages, and Places in *England* and *Ireland*, who shall act in the Execution of this Act; and all Provisions for billetting Marines in Victualling Houses shall extend and apply to all Inns, Livery Stables, Alehouses, and to the Houses of Sellers of Wine by Retail, whether *British* or Foreign, to be drank in their own Houses or Places thereunto belonging, and to all Houses of Persons selling Brandy, Strong Waters, Cider, or Metheglin, by Retail, in *England* and *Ireland*; and in *Ireland*, when there shall not be found sufficient Room in such Houses, then Marines may be billetted in such Manner as has been heretofore customary: Provided always, that no Officer or Marine shall be billetted in *England* in any private Houses, or in any Canteen held or occupied under the Authority of the Ordnance or Marine Department, or upon Persons who keep Taverns only being Vintners of the City of *London* admitted to their Freedom of that Company in Right of Patrimony or Apprenticeship, notwithstanding such Persons who keep such Taverns only have taken out Victualling Licences; nor in the House of any Distiller kept for distilling

ling Brandy and Strong Waters; nor in the House of any Shopkeeper whose principal Dealing shall be more in other Goods and Merchandize than in Brandy and Strong Waters, so as such Distillers and Shopkeepers do not permit Tippling in such Houses; nor in the House of Residence in any Part of the United Kingdom of any Foreign Consul, duly credited as such.

Notification to Parishes of good or bad Conduct of Marines.

LXII. And be it enacted, That the Churchwardens of every Parish in *England*, and the Constable or other Officer of every Parish or Place in *Scotland*, on receiving a Notification from the Secretary of the Admiralty of the Name of any Marine belonging to the said Parish or Place who has for meritorious Conduct received His Majesty's special Approbation, or who in consequence of Misconduct has been dismissed His Majesty's Service with Disgrace, shall affix such Notification on the Outside of the Door of the Church or Chapel belonging to such Parish or Place on the *Sunday* next succeeding the Receipt of such Notification.

Marines to be subject to the Discipline of the Navy while on board Ship.

LXIII. And it is hereby declared and enacted, That all His Majesty's Royal Marine Forces shall, during the Time they shall be respectively borne on the Books of any of His Majesty's Ships or Vessels in Commission, either as Part of the Compliment or as Supernumeraries, or otherwise, be subject and liable in every respect to the Laws for the Government of His Majesty's Forces by Sea, and to the Rules and Discipline of the Royal Navy, and shall and may be proceeded against and punished for Offences committed by them while so borne, in the same Manner as the Officers and Seamen employed in the Royal Navy may be tried or punished: Provided always, that if any Marine Officer or Marine so borne on the Books of any of His Majesty's Ships shall commit on Shore any Offence against due Order and Discipline, and for which he shall not be amenable to a Naval Court-martial or to Naval Discipline, he shall be tried and punished for the same in the same Manner as other Marines may be tried and punished for the like Offences under the Authority of this Act.

Duration of Act.

LXIV. And be it enacted, That this Act shall continue in force within *Great Britain* from the Twenty-fifth Day of *April* One thousand eight hundred and thirty-four until the Twenty-fifth Day of *April* One thousand eight hundred and thirty-five inclusive; and within *Ireland*, and in *Jersey*, *Guernsey*, *Alderney*, *Sark*, and the *Isle of Man*, and the Islands thereto belonging, from the First Day of *May* One thousand eight hundred and thirty-four until the First Day of *May* One thousand eight hundred and thirty-five inclusive; and within the Garrison of *Gibraltar*, and in *Spain* and *Portugal*, from the Twenty-fifth Day of *July* One thousand eight hundred and thirty-four until the Twenty-fifth Day of *July* One thousand eight hundred and thirty-five inclusive; and in all other Parts of *Europe* where Royal Marine Forces may be serving, and the *West Indies* and *North America* and *Cape of Good Hope*, from the Twenty-fifth Day of *September* One thousand eight hundred and thirty-four to the Twenty-fifth Day of *September* One thousand eight hundred and thirty-five inclusive; and in all other Places from the Twenty-fifth

Day

Day of *November* One thousand eight hundred and thirty-four to the Twenty-fifth Day of *November* One thousand eight hundred and thirty-five inclusive.

Alteration of Act.

LXV. And be it enacted, That this Act may be altered, varied, or repealed by any Act or Acts to be passed in this present Session of Parliament.

SCHE-

SCHEDULE to which this Act refers.

FORM of OATHS to be taken by MEMBERS of COURTS-MARTIAL.

YOU shall well and truly try and determine according to the Evidence in the Matter now before you. So help you GOD.

I do swear, That I will truly administer Justice, according to the Rules and Articles for the better Government of His Majesty's Royal Marine Forces, and according to an Act now in force for the Regulation of the said Forces while on Shore, without Partiality, Favour, or Affection, and if any Doubt shall arise which is not explained by the said Articles or Act, according to my Conscience, the best of my Understanding, and the Custom of War in the like Cases: And I further swear, That I will not divulge the Sentence of the Court until it shall be duly approved; neither will I, upon any Account, at any Time whatsoever, disclose or discover the Vote or Opinion of any particular Member of the Court-martial, unless required to give Evidence thereof as a Witness by a Court of Justice or a Court-martial in a due Course of Law. So help me GOD.

FORM of OATH of JUDGE ADVOCATE.

I do swear, That I will not, upon any Account whatsoever, disclose or discover the Vote or Opinion of any particular Member of the Court-martial, unless required to give Evidence thereof as a Witness by a Court of Justice or a Court-martial in a due Course of Law. So help me GOD.

QUESTIONS to be separately put by the JUSTICE to a RECRUIT.

1. What is your Name?
2. In what Parish, and in or near what Town, and in what County, were you born?
3. What is your Age?
4. What is your Trade or Calling?
5. Are you an Apprentice?
6. Are you married?
7. Are you ruptured or lame; have you ever been subject to Fits; or have you any Disability or Disorder which impedes the free Use of your Limbs, or unfits you for ordinary Labour?

8. Are you willing to be attested to serve in the Royal Marine Forces until you shall be legally discharged?
9. On what Day and by whom were you enlisted?
10. For what Bounty did you enlist?
11. Do you now belong to the Militia?
12. Do you belong to any Regiment, or to the Marines, Ordnance, or Navy?
13. Have you served in the Army, Marines, Ordnance, or Navy?

Note.—The Justice is directed, in putting the Eleventh Question to the Recruit, and before he receives his Answer, distinctly to apprise the Recruit that if he belongs to the Militia, and denies the Fact, he is liable to Six Months Imprisonment.

OATH to be taken by a RECRUIT enlisting.

I do make Oath, That the above Questions have been separately put to me, that the Answers thereto have been read over to me, and that they are the same that I gave, and are true.

I do also make Oath, That I will be faithful and bear true Allegiance to His Majesty, His Heirs and Successors; and that I will, as in Duty bound, honestly and faithfully defend His Majesty, His Heirs and Successors, in Person, Crown, and Dignity, against all Enemies; and will observe and obey all Orders of His Majesty, His Heirs and Successors, and of the Generals, and Officers set over me. So help me GOD.

Witness my Hand

{Signature of the Recruit.}

Witness present.

Sworn before me at this Day of One thousand eight hundred and

Signature of the Justice.

CERTIFICATE to be given by the JUSTICE.

Description of

Age, apparently
Height, Feet Inches.
Complexion,
Eyes,
Hair,

Any distinctive Mark.

to wit. I of One of His Majesty's Justices of the Peace do hereby certify, That the above is the Description of the Recruit ; and in my Presence all

all the aforegoing Questions were put to the said ; that the Answers written opposite to them are those which he gave to me; and that the Third, Fourth, and Fifth Articles of the Second Section of the Rules and Articles for the better Government of His Majesty's Royal Marine Forces while on Shore, against Mutiny, and the First Article of the Third Section of the said Rules and Articles, against Desertion, were read over to him; that he took the Oath of Allegiance and Fidelity; that he received the Sum of on being attested this Day; and that I have given him a Duplicate of this Certificate signed with my Name.

Signature of the Justice.

FORM of OATH to be taken by a MASTER whose Apprentice has absconded.

I of do make Oath, That I am by Trade a , and that was bound to serve as an Apprentice to me in the said Trade, by Indenture, dated the Day of for the Term of Years; and that the said did on or about the Day of last abscond and quit my Service without my Consent; and that to the best of my Knowledge and Belief the said is aged about Years. Witness my Hand at the Day of One thousand eight hundred and

Sworn before me at this Day of One thousand eight hundred and

---

FORM of JUSTICE'S CERTIFICATE to be given to the MASTER of an Apprentice.

to wit. } I One of His Majesty's Justices of the Peace of certify, That of came before me at the Day of One thousand eight hundred and , and made Oath that he was by Trade a , and that was bound to serve as an Apprentice to him in the said Trade, by Indenture dated the Day of for the Term of Years; and that the said Apprentice did on or about the Day of abscond and quit the Service of the said without his Consent, and that to the best of his Knowledge and Belief the said Apprentice is aged about Years.

DESCRIPTION RETURN of committed to Confinement at on the Day of
as a Deserter from the Royal Marines.

Age.	Size.		Complexion.	Colour of		Marks.	Probable Date of Enlistment, and in what District.	Probable Date of Desertion, and from whence.	Name, Occupation, and Address of the Person by whom apprehended.	Particulars of the Evidence upon which the Prisoner is committed.	Whether the Prisoner confessed before the Magistrates that he is a Deserter.
	Feet.	Inches.		Hair.	Eyes.						

I do hereby certify, that the Prisoner has been duly examined before me as to the Circumstances herein stated, and has declared in my Presence that he * a Deserter from the before-mentioned Corps.

———— *Signature and Address of Magistrate.*

———— *Signature of Prisoner.*

———— *Signature of Informer.*

* Insert "is" or "is not," as the Case may be.

* I certify that I have inspected the Prisoner, and consider him fit for active Service.

———— *Signature of Surgeon.*

* If a Military Medical Officer be at or near the Place, he will inspect the Deserter, and report as to his Fitness for Military Service.

LONDON: Printed by GEORGE EYRE and ANDREW SPOTTISWOODE,
Printers to the King's most Excellent Majesty. 1834.

ANNO QUARTO

GULIELMI IV. REGIS.

****

CAP. V.

An Act for continuing to His Majesty until the Fifth Day of *July* One thousand eight hundred and thirty-five certain Duties on Sugar imported into the United Kingdom, for the Service of the Year One thousand eight hundred and thirty-four. [26th *March* 1834.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal Subjects, the Commons of the United Kingdom of *Great Britain* and *Ireland* in Parliament assembled, towards raising the necessary Supplies to defray Your Majesty's public Expences, have freely and voluntarily resolved to give and grant unto Your Majesty the Duties herein-after mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Duties imposed on Sugar and Molasses, and the Bounties allowed thereon, by an Act passed in the First Year of the Reign of His present Majesty, intituled *An Act for granting to His Majesty, until the Fifth Day of* April *One thousand eight hundred and thirty-one, certain Duties on Sugar imported into the United Kingdom for the Service of the Year One thousand eight hundred and thirty*, and which have by several subsequent Acts been further continued until the Fifth Day of *April* One thousand eight hundred and thirty-four, shall

Duties on Sugar and Molasses imposed by 1 W. 4. c. 50. continued until July 1835.

shall be and the same are hereby further continued until the Fifth Day of *July* One thousand eight hundred and thirty-five.

Powers of recited Act extended to this Act.

II. And be it further enacted, That the several Powers, Provisions, Matters, and Things contained in the said recited Act shall be extended to this Act, and the Duties and Bounties hereby continued, in as full and ample a Manner as if the same had been repeated and re-enacted in this Act, and made Part thereof.

Monies paid into the Exchequer under this Act shall be entered separate from other Payments.

III. And be it further enacted, That there shall be provided and kept in the Office of the Auditor of the Receipt of His Majesty's Exchequer at *Westminster* One Book of Register, in which all the Money that shall be paid into the said Exchequer from so much of the said Rates and Duties hereby granted on Sugar as shall arise and be payable in *Great Britain* shall be entered and registered apart and distinct from all other Monies paid and payable to His Majesty; and it shall be lawful for the Commissioners of the Treasury of the United Kingdom of *Great Britain* and *Ireland* to issue and apply the same from Time to Time to such Services as shall then have been voted by the Commons of the United Kingdom of *Great Britain* and *Ireland* in this present Session of Parliament; and so much of the said Duties on Sugar as shall arise and be payable in *Ireland* shall be paid into the Receipt of the Exchequer there, and shall be carried to the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*.

The Treasury may direct Exchequer Bills to be made out not exceeding 3,000,000*l*.

IV. And be it further enacted, That it shall be lawful for the said Commissioners of His Majesty's Treasury, at any Time or Times when they shall think fit so to do, to cause or direct any Number of Exchequer Bills to be made out at the Receipt of the Exchequer at *Westminster* for any Sum or Sums of Money not exceeding in the whole, including any Sum or Sums of Money issued towards the Aids or Supplies in pursuance of this Act, the Sum of Three Millions, in the same or like Manner, Form, and Order, and according to the same or like Rules and Directions, as are directed and prescribed in and by an Act passed in the Forty-eighth Year of the Reign of His Majesty King *George* the Third, intituled *An Act for regulating the issuing and paying off of Exchequer Bills*.

48 G. 3. c. 1.

Powers of 48 G. 3. c. 1. extended to this Act.

V. And be it further enacted, That all and every the Clauses, Provisoes, Powers, Privileges, Advantages, Penalties, Forfeitures, and Disabilities contained in the said recited Act passed in the Forty-eighth Year of the Reign of His said late Majesty shall be applied and extended to the Exchequer Bills to be made out in pursuance of this Act, as fully and effectually, to all Intents and Purposes, as if the said several Clauses or Provisoes had been particularly repeated and re-enacted in the Body of this Act.

Exchequer Bills to bear an Interest.

VI. And be it further enacted, That the Exchequer Bills to be made out in pursuance of this Act shall and may bear an Interest not exceeding the Rate of Four Pounds *per Centum per Annum* upon or in respect of the whole of the Monies respectively contained therein.

VII. And

Bank of England may advance Money on the Credit of this Act, notwithstanding 5 & 6 W. & M. c. 20.

VII. And be it declared and enacted, That it shall be lawful for the Governor and Company of the Bank of *England* to advance or lend to His Majesty, at the Receipt of the Exchequer at *Westminster*, upon the Credit of the Exchequer Bills authorized by this Act, any Sum or Sums of Money not exceeding in the whole the Sum of Three Millions; any thing in an Act passed in the Fifth and Sixth Years of the Reign of King *William* and Queen *Mary*, intituled *An Act for granting to Their Majesties several Rates and Duties upon Tonnage of Ships and Vessels, and upon Beer, Ale, and other Liquors; and for securing certain Recompences and Advantages in the said Act mentioned to such Persons as shall voluntarily advance the Sum of One million five hundred thousand Pounds towards carrying on the War against* France, or in any subsequent Act, to the contrary thereof in anywise notwithstanding.

Bills to be placed as Cash in the Exchequer;

VIII. And be it further enacted, That it shall be lawful for the said Commissioners of the Treasury, and they are hereby authorized and empowered, to cause such Bills as shall be prepared by virtue of this Act to be placed as so much Cash in the respective Offices of the Tellers of the said Receipt of Exchequer; each and every of which Tellers shall be severally charged with a Proportion of the said Bills which shall be so placed in his Office respectively, any Law or Usage to the contrary notwithstanding.

and to be issuable thereout in common with other Monies.

IX. And be it further enacted, That the said Exchequer Bills in the Hands of the said Tellers shall be locked up and secured as Cash according to the Course of the Exchequer at *Westminster*, and shall be taken and esteemed as so much in part of the Remains in real Money wherewith each of the said Tellers shall from Time to Time stand charged, in common with other the Monies in the said Exchequer, any Law or Usage to the contrary notwithstanding; and it shall be lawful for the said Commissioners of the Treasury to issue and apply the same from Time to Time to such Services as shall then have been voted by the Commons of the United Kingdom of *Great Britain* and *Ireland* in this present Session of Parliament.

Exchequer Bills to be charged on the Duties granted by this Act.

X. Provided always, and be it further enacted, That the Exchequer Bills to be made forth by virtue of this Act, together with the Interest that may become due thereon, and the Charges of exchanging and circulating the same, shall be and the same are hereby made chargeable and charged upon the Rates, Duties, and Assessments on Sugar granted by this Act; and it shall be lawful for the said Commissioners of the Treasury, and they are hereby authorized from Time to Time to direct to be issued to the said Paymasters, by way of Imprest and upon Account, such Sums of Money and at such Periods as the said Commissioners shall think necessary for or towards paying off and discharging the Exchequer Bills which shall have been made forth by virtue of this Act, or any of them, and for and towards paying the Interest to become due on the said Bills, and for and towards the Charge of exchanging and circulating the same Bills or any of them.

Account of Exchequer Bills to be taken.

XI. And be it further enacted, That on the Fifth Day of *July* One thousand eight hundred and thirty-five, or within Ten Days after,

after, the said Commissioners of the Treasury shall cause a true and perfect Account in Writing to be taken and attested by the proper Officers of the Amount of all Exchequer Bills that shall have been issued by virtue of this Act, and how much thereof shall before that Time have been paid off or discharged, and how much thereof shall then remain undischarged.

Money due on Exchequer Bills to be paid out of the next Aids.

XII. And be it further enacted, That the Monies so remaining unsatisfied or not discharged, with the Interest due or to grow due thereon, and the Charges of exchanging and circulating the same, shall be paid and satisfied out of the next Aid or Aids to be granted in Parliament after the said Fifth Day of *July* One thousand eight hundred and thirty-five.

Surplus Monies to be carried to Consolidated Fund.

XIII. And be it further enacted, That the Surplus of the Monies arising from the Rates, Duties, and Assessments on Sugar granted and imposed by this Act, after paying off and satisfying all the Exchequer Bills issued by virtue of this Act, together with the Interest that may become due thereon, and the Charges of exchanging and circulating the same, shall, as a Surplus of any such Monies respectively, be paid into the Receipt of the Exchequer at *Westminster*, to be carried to and made Part of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*.

The Treasury to allow the necessary Charges of making forth new Exchequer Bills.

XIV. And be it enacted, That it shall and may be lawful for the Commissioners of His Majesty's Treasury or any Three or more of them for the Time being, and they are hereby authorized and empowered, to pay and allow or cause to be paid and allowed, out of the Monies to arise of or from the said Rates and Duties on Sugar hereby granted, or of or from the said Consolidated Fund, from Time to Time the necessary Charges of making forth the Exchequer Bills hereby authorized to be made forth, and such other Charges as shall be necessarily incident in or for the Execution of this Act, or any Part thereof, in relation to the said Bills; any thing herein contained to the contrary notwithstanding.

Money issued to be replaced out of the first Supplies.

XV. Provided always, and be it enacted, That whatever Monies shall be issued out of the said Consolidated Fund shall from Time to Time be replaced by and out of the first Supplies to be thenafter granted by Parliament; any thing herein contained to the contrary notwithstanding.

Act may be altered this Session.

XVI. And be it enacted, That this Act may be altered, amended, or repealed by any Act or Acts to be passed in this present Session of Parliament.

LONDON: Printed by GEORGE EYRE and ANDREW SPOTTISWOODE, Printers to the King's most Excellent Majesty. 1834.

ANNO QUARTO

GULIELMI IV. REGIS.

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CAP. VI.

An Act for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters. [26th *March* 1834.]

WHEREAS the raising or keeping a Standing Army within the United Kingdom of *Great Britain* and *Ireland*, in Time of Peace, unless it be with the Consent of Parliament, is against Law: And whereas it is adjudged necessary by His Majesty, and this present Parliament, that a Body of Forces should be continued, for the Safety of the United Kingdom, the Defence of the Possessions of His Majesty's Crown, and the Preservation of the Balance of Power in *Europe*, and that the whole Number of such Forces should consist of Eighty-eight thousand nine hundred and fifty-two Men, exclusive of the Officers and Men belonging to the Regiments employed in the Territorial Possessions of the *East India* Company, but including the Officers and Men of the Troops and Companies recruiting for those Regiments: And whereas no Man can be forejudged of Life or Limb, or subjected in Time of Peace to any Kind of Punishment within this Realm, by Martial Law, or in any other Manner than by Judgment of his Peers, and according to the known and established Laws of this Realm; yet nevertheless, it being requisite, for the retaining all the beforementioned Forces in their Duty, that an exact Discipline be observed, and that Soldiers who shall mutiny or stir up Sedition, or shall desert His Majesty's Service, be brought to a more exemplary and speedy Punishment than the usual Forms of the Law will allow; be it there-

Number of the Forces.

fore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That if any Person who is or shall be commissioned or in Pay as an Officer, or who is or shall be listed or in Pay as a Non-commissioned Officer or Soldier, shall, at any Time during the Continuance of this Act, begin, excite, cause, or join in any Mutiny or Sedition in His Majesty's Land or Marine Forces, or shall not use his utmost Endeavours to suppress the same, or coming to the Knowledge of any Mutiny or intended Mutiny shall not, without Delay, give Information thereof to his Commanding Officer; or shall misbehave himself before the Enemy; or shall shamefully abandon or deliver up any Garrison, Fortress, Post, or Guard committed to his Charge, or which he shall be commanded to defend; or shall compel the Governor or Commanding Officer of any Garrison, Fortress, or Post to deliver up to the Enemy or to abandon the same; or shall speak Words or use any other Means to induce such Governor or Commanding Officer, or others, to misbehave before the Enemy, or shamefully to abandon or deliver up any Garrison, Fortress, Post, or Guard committed to their respective Charge, or which he or they shall be commanded to defend; or shall leave his Post before relieved, or shall be found sleeping on his Post; or shall hold Correspondence with or give Advice or Intelligence to any Rebel or Enemy of His Majesty's, either by Letters, Messages, Signs, or Tokens, in any Manner or Way whatsoever; or shall treat or enter into any Terms with such Rebel or Enemy without His Majesty's Licence or Licence of the General or Chief Commander; or shall strike or shall use or offer any Violence against his Superior Officer, being in the Execution of his Office, or shall disobey any lawful Command of his Superior Officer; or shall desert His Majesty's Service; all and every Person and Persons so offending in any of the Matters before mentioned, whether such Offence shall be committed within this Realm, or in any other of His Majesty's Dominions, or in Foreign Parts, upon Land or upon the Sea, shall suffer Death, or such other Punishment as by a Court-martial shall be awarded.

Crimes punishable by Death.

II. And be it enacted, That nothing in this Act contained shall be construed to exempt any Officer or Soldier from being proceeded against by the ordinary Course of Law; and any Commanding Officer who shall neglect or refuse, when Application is made to him for that Purpose, to deliver over to the Civil Magistrate any Officer or Soldier accused of any Capital Crime, or of any Violence or Offence against the Person, Estate, or Property of any of His Majesty's Subjects, which is punishable by the known Laws of the Land, or shall wilfully neglect or refuse to assist the Officers of Justice in apprehending such Offender, shall, upon Conviction thereof in any Prosecution in any of His Majesty's Courts at *Westminster*, *Dublin*, or *Edinburgh*, be deemed to be *ipso facto* cashiered, and shall be utterly disabled to have or hold any Civil or Military Office or Employment within the United Kingdom of *Great Britain* and *Ireland*, or in His Majesty's Service, and a Certificate thereof shall be transmitted to the Judge Advocate in *London*; provided that no Person, being acquitted or convicted of any Capital Crime, Violence, or Offence, by the Civil Magistrate, or

The ordinary Course of Law not to be interfered with.

by the Verdict of a Jury, shall be liable to be punished by a Court-martial for the same otherwise than by cashiering.

Soldiers not to be taken away from the Service for Debts under 30*l.*

III. And be it enacted, That no Person whatever (except an Apprentice) enlisted into His Majesty's Service as a Soldier shall be liable to be arrested or taken therefrom, by reason of the Warrant of any Justice, on account of any Breach of Contract, Engagement to serve or work for any Employer; and no Person enlisted as a Soldier, or serving as a Non-commissioned Officer or Drummer on the permanent Staff of the disembodied Militia, shall be liable to be taken out of His Majesty's Service by any Process or Execution whatsoever, other than for some Criminal Matter, unless an Affidavit shall be made by the Plaintiff, or some one on his Behalf, for which no Fee shall be taken, before some Judge of the Court out of which such Process or Execution shall issue, or before some Person authorized to take Affidavits in such Courts, of which Affidavit a Memorandum shall, without Fee, be endorsed upon the Back of such Process, that the original Debt for which the Action has been brought or Execution sued out amounts to the Value of Thirty Pounds at least, over and above all Costs of Suit in the Action or Actions on which the same shall be grounded; and any Judge of such Court may examine into any Complaints made by a Soldier, or by his Superior Officer, and by Warrant under his Hand discharge such Soldier without Fee, he being shewn to be duly enlisted, and to have been arrested contrary to the Intent of this Act, and shall award reasonable Costs to such Complainant, who shall have for the Recovery thereof the like Remedy as would have been applicable to the Recovery of any Costs which might have been awarded against the Complainant in any Judgment or Execution as aforesaid; provided that any Plaintiff, upon Notice of the Cause of Action first given in Writing to any Soldier, or left at his last Place of Residence before such Listing, may file a Common Appearance in any Action to be brought for or upon account of any Debt whatsoever, and proceed therein to Judgment and Outlawry, and have Execution other than and against the Body.

The King may make Articles of War in conformity with this Act.

IV. And be it enacted, That it shall be lawful for His Majesty to make Articles of War for the better Government of His Majesty's Forces, which Articles shall be judicially taken notice of by all Judges and in all Courts whatsoever; and Copies of the same, printed by the King's Printer, shall, as soon as conveniently may be after the same shall have been made and established by His Majesty, be transmitted by His Majesty's Secretary at War, signed with his own Hand and Name, to the Judge of His Majesty's Superior Courts at *Westminster*, *Dublin*, and *Edinburgh* respectively, and also to the Governors of His Majesty's Dominions Abroad; provided that no Person within the United Kingdom of *Great Britain* and *Ireland*, or the *British* Isles, shall by such Articles of War be subject to be transported as a Felon, or to suffer any Punishment extending to Life or Limb, except for Crimes which are by this Act expressly made liable to such Transportation or to such Punishment as aforesaid, nor shall be punished in any Manner or under any Regulations which shall not accord with the Provisions of this Act.

V. And

Constitution of Courts-martial.

V. And be it enacted, That His Majesty may from Time to Time grant a Commission, under the Royal Sign Manual, for the holding of General Courts-martial within the United Kingdom of *Great Britain* and *Ireland*, in like Manner as has been heretofore used; and that for bringing Offenders against the Articles of War to Justice it shall be lawful for His Majesty to erect and constitute Courts-martial within the United Kingdom of *Great Britain* and *Ireland*, as well as to grant His Royal Commissions or Warrants to the Chief Governor or Governors of *Ireland*, the Commander of the Forces, or the Person or Persons commanding in chief, or commanding for the Time being, any Body of His Majesty's Forces, as well within the United Kingdom of *Great Britain* and *Ireland*, and the *British* Isles, as in any of His Majesty's Garrisons and Dominions or elsewhere beyond the Seas, for convening, as well as for authorizing any Officer under their respective Command, not below the Degree of a Field Officer, to convene Courts-martial, as Occasion may require, for the Trial of Offences committed by any of the Forces under their several Command, whether the same shall have been committed before or after such Officer shall have taken upon himself such Command; and any Person subject to this Act, who shall in any of His Majesty's Dominions or elsewhere commit any of the Offences for which he may be liable to be tried by Courts-martial by virtue of this Act, may be tried and punished for the same in any Part of His Majesty's Dominions where he may have come after the Commission of the Offence, as if the Offence had been committed where such Trial shall take place.

Composition of General Courts-martial.

VI. And be it enacted, That a General Court-martial convened in any Part of the King's Dominions, (*Bermuda*, the *Bahamas*, *Africa*, and *New South Wales* excepted,) or in the Settlements of the *East India* Company, shall consist of not less than Thirteen Commissioned Officers; if convened in *Bermuda* or the *Bahamas*, or out of the King's Dominions, excepting *Africa* and *New South Wales*, shall consist of not less than Seven, and in *Africa* and *New South Wales* of not less than Five Commissioned Officers; and no Judgment of Death shall pass without the Concurrence of Two Thirds at the least of the Officers present; and the President shall in no Case be the Officer commanding in chief or Governor of the Garrison where the Offender shall be tried, nor under the Degree of a Field Officer, unless where a Field Officer cannot be had, nor in any Case whatsoever under the Degree of a Captain.

Powers of General Courts-martial.

VII. And be it enacted, That a General Court-martial may sentence any Soldier to Imprisonment, with or without hard Labour, in any public Prison, or other Place which the Court or the Officer commanding the Regiment or Corps to which the Offender belongs or is attached shall appoint, and may also direct that such Offender shall be kept in solitary Confinement for the Whole or any Portion or Portions of such Imprisonment, or of such Imprisonment with hard Labour, or may sentence any Soldier to Corporal Punishment, not extending to Life or Limb, for Immorality, Misbehaviour, and Neglect of Duty; and a General Court-martial may, in addition to any such Punishment as aforesaid, sentence any Offender to Forfeiture of

of all Advantage as to additional Pay, and Pension on Discharge; and whensoever any Genral Court-martial by which any Soldier shall have been tried and convicted of any Offence punishable with Death shall not think the Offence deserving of Capital Punishment, such Court-martial may, instead of awarding a Corporal Punishment or Imprisonment, adjudge the Offender, according to the Degree of the Offence, to be transported as a Felon for Life or for a certain Term of Years, or may sentence him to general Service as a Soldier in any Corps and in any Country or Place which His Majesty shall thereupon direct, or may, if such Offender shall have enlisted for a limited Term of Years, sentence him to serve for Life as a Soldier in any Corps which His Majesty shall please to direct; and the Court may, in addition to any other Punishment, sentence such Offender to forfeit all Advantage as to Increase of Pay, or as to Pension on Discharge, which might otherwise have accrued to such Offender; provided that in all Cases where a Capital Punishment shall have been awarded by a General Court-martial it shall be lawful for His Majesty, or, if in the *East Indies*, for the Officer commanding in chief the Forces at the Presidency to which the Offender shall belong, instead of causing such Sentence to be carried into execution, to order the Offender to be transported as a Felon, either for Life or for a certain Term of Years, as shall seem meet to His Majesty, or, if in the *East Indies*, to the Officer commanding as aforesaid; and if any Person transported as a Felon, whether in pursuance of the original Sentence of the Court-martial, or in pursuance of such Order from His Majesty, or from such Officer commanding in the *East Indies* as aforesaid, shall afterwards return or be found at large, without Leave from His Majesty or other lawful Authority, within any Part of His Majesty's Dominions Abroad or at Home, other than the Place to which he shall have been transported, before the Expiration of the Term limited by such Sentence or Order, and shall be duly convicted thereof, shall suffer Death as a Felon.

Trial by General Court-martial for Embezzlement.

VIII. And be it enacted, That every Paymaster or other Commissioned Officer of His Majesty's Forces, or any Person employed in the Ordnance or Commissariat Department, or in any Manner in the Care or Distribution of any Money, Provisions, Forage, or Stores, who shall embezzle or fraudulently misapply, or be concerned in or connive at the Embezzlement, fraudulent Misapplication, or Damage of any Money, Provisions, Forage, Arms, Clothing, Ammunition, or other Military Stores belonging to His Majesty's Forces or for His Use, may be tried for the same by a General Court-martial, which may adjudge any such Offender to be transported as a Felon for Life or for any certain Term of Years, or to suffer such Punishment of Fine, Imprisonment, Dismissal from His Majesty's Service, and Incapacity of serving His Majesty in any Office, Civil or Military, as such Court shall think fit, according to the Nature and Degree of the Offence; and every such Offender shall, in addition to any other Punishment, make good at his own Expence the Loss and Damage sustained, which shall have been ascertained by such Court-martial; and the Loss and Damage so ascertained as aforesaid shall be a Debt to His Majesty, and may be recovered in any of His Majesty's

Courts at *Westminster* or in *Dublin*, or the Court of Exchequer in *Scotland*, or in any Court in His Majesty's Colonies where a Person sentenced by such Court-martial shall be resident, after the said Judgment shall be confirmed and made known.

Powers of District or Garrison Courts-martial.

IX. And be it enacted, That a District or Garrison Court-martial shall consist of not less than Seven Commissioned Officers, except in *Bermuda*, the *Bahamas*, *Africa*, and *New South Wales*, where it may consist of not less than Five Commissioned Officers, and may sentence any Soldier to any Imprisonment, with or without hard Labour, in any public Prison or other Place which such Court, or the Officer commanding the Regiment or Corps to which the Offender belongs or is attached, shall appoint, and may also direct that such Offender shall be kept in solitary Confinement for the Whole or any Portion or Portions of such Imprisonment, or of such Imprisonment with hard Labour, or may sentence any Soldier to Corporal Punishment, not extending to Life or Limb, for Immorality, Misbehaviour, or Neglect of Duty; and such Court may, in addition to either of the said Punishments, sentence a Soldier to Forfeiture of all Advantage as to additional Pay, and to Pension on Discharge, for disgraceful Conduct,

In wilfully maiming or injuring himself, or any other Soldier, at the Instance of such Soldier, with Intent to render himself or such Soldier unfit for the Service:

In tampering with his Eyes:

In malingering, feigning Disease, absenting himself from Hospital whilst under Medical Care, or other gross Violation of the Rules of any Hospital, thereby wilfully producing or aggravating Disease or Infirmity, or wilfully delaying his Cure:

In purloining or selling Government Stores:

In stealing any Money or Goods, the Property of a Comrade, of a Military Officer, or of any Military or Regimental Mess:

In producing false or fraudulent Accounts or Returns:

In embezzling or fraudulently misapplying Public Money entrusted to him:

Or in committing any petty Offence of a felonious or fraudulent Nature, to the Injury of or with Intent to injure any Person, Civil or Military:

Or for any other disgraceful Conduct, being of a cruel, indecent, or unnatural Kind:

And such Offender may be further put under Stoppages, not exceeding Two Thirds of his daily Pay, until the Amount be made good of any Loss or Damage arising out of his Misconduct; and if any Soldier shall be convicted of any such disgraceful Conduct, and shall be sentenced to Forfeiture of his Claim to Pension, the Court may further recommend him to be discharged with Ignominy from His Majesty's Service; and any such Court shall deprive a Soldier, if convicted of a Charge of habitual Drunkenness, of his Allowance in lieu of Beer or Liquor, or of such Proportion thereof, or of such Portion of his additional or regular Pay, for such Period, not exceeding Two Years, as may accord with His Majesty's Articles of War, subject to Restoration on subsequent good Conduct; and in addition to any such Punishment, the Court may, if it shall think fit, sentence such Offender to Imprisonment or to Corporal Punishment; provided

that in all the foregoing Cases the Sentences of a District or Garrison Court-martial shall be confirmed by the General Officer, Governor, or Senior Officer in command of the District, Garrison, Island, or Colony; and the President of every Court-martial, other than a General Court-martial, not being under the Rank of Captain, shall be appointed by the Officer convening such Court-martial; provided that such Court-martial shall not have Power to pass any Sentence of Death or Transportation.

Regimental Courts-martial.

X. And be it enacted, That in Cases of Mutiny and gross Insubordination, or any Offences committed on the Line of March, the Offence may be tried by a Regimental Court-martial, and the Sentence confirmed and carried into execution on the Spot by the Officer in the immediate Command of the Troops, provided that the Sentence shall not exceed that which a Regimental Court-martial is competent to award; and a Regimental Court-martial may sentence any Soldier to Imprisonment, with or without hard Labour, for any Period not exceeding Thirty Days, and to solitary Confinement for any Period not exceeding Twenty Days; and whenever any such Court-martial shall sentence any Soldier to Imprisonment as aforesaid it may (if it shall think fit) direct that he be kept in solitary Confinement for a certain Portion or Portions of the Period of such Imprisonment: Provided always, that when such Court shall direct the Imprisonment to be part solitary and part otherwise, the whole Period of such Imprisonment, including the solitary Part thereof, shall not exceed Twenty Days; and a Regimental Court-martial may sentence any Soldier for being drunk when on or for Duty or Parade, or on the Line of March, to be deprived of a Penny a Day of his Pay for any Period not exceeding Thirty Days, in addition to any other Punishment which such Court may award.

Marking a Deserter.

XI. And be it enacted, That every Soldier who shall be found guilty of Desertion by a General, or District, or Garrison Court-martial, where such Findings shall be duly approved, or of Felony in any Court of Civil Judicature, shall thereupon forfeit all Advantage as to additional Pay, and to Pension on Discharge, in addition to any Punishment which such Court may award; and it shall be lawful for any Court-martial empowered to try the Crime of Desertion, in addition to any other Punishment, to direct that the Offender be marked on the Left Side, Two Inches below the Arm-pit, with the Letter (D.), such Letter not to be less than an Inch long, and to be marked upon the Skin with some Ink or Gunpowder, or other Preparation, so as to be visible and conspicuous, and not liable to be obliterated.

Powers of a Detachment Courts-martial.

XII. And be it enacted, That it shall be lawful for any Officer commanding any District, Detachment or Portion of His Majesty's Troops which may at any Time be serving out of His Majesty's Dominions, upon Complaint made to him of any Offence committed against the Property or Person of any Inhabitant of or Resident in any such Countries, by any Person serving with or belonging to His Majesty's Armies, being under the immediate Command of any such Officer, to summon and cause to assemble a Court-martial, which shall consist of not less than Three Officers, for the Purpose of trying any

any such Person, notwithstanding any such Officer shall not have received any Warrant empowering him to assemble Courts-martial; and every such Court-martial shall have the same Powers in regard to summoning and examining Witnesses, Trial of and Sentence upon Offenders, as are granted by this Act to General Courts-martial; provided that no Sentence of any such Court-martial shall be executed until the General commanding in chief the Army of which the Division, Brigade, Detachment, or Party to which any Person so tried, convicted, and adjudged to suffer Punishment shall belong, shall have approved and confirmed the same.

Mixture of Officers upon Courts-martial.

XIII. And be it enacted, That in certain Cases, where it may be necessary or expedient, Officers of His Majesty's Marine Forces may sit upon Courts-martial in conjunction with Officers of His Majesty's Land Forces, and such Courts-martial shall be regulated, to all Intents and Purposes, in like Manner as if they were composed of Officers of the Land Forces only, whether the Commanding Officer by whose Orders such Court-martial is assembled belongs to the Land or to the Marine Forces; and Officers of His Majesty's Land Forces, and Officers in the Service of the *East India* Company, when serving together, may be associated in Courts-martial, which shall, to all Intents and Purposes, be regulated in like Manner as if consisting wholly of Officers of His Majesty's Land Forces, or wholly of Officers in the Service of the *East India* Company; save and except that on the Trial of any Person in His Majesty's Service, the Provisions of this Act, and the Oaths thereby prescribed, shall be applicable; and on the Trial of any Officer or Soldier in the Service of the *East India* Company, the Provisions of an Act passed in the Fourth Year of the Reign of His late Majesty King *George* the Fourth, to amend the Laws for punishing Mutiny and Desertion of Officers and Soldiers in the Service of the *East India* Company, and the Oaths thereby prescribed, shall be applicable, notwithstanding any Officer in the actual Service of the said Company may have a Commission from His Majesty.

Power to administer Oaths.

XIV. And be it enacted, That all General and other Courts-martial shall have Power and Authority and are hereby required to administer an Oath to every Witness or other Person who shall be examined before such Court in any Matter relating to any Proceedings before the same.

Proceedings of Courts-martial.

XV. And be it enacted, That in all Trials by General Courts-martial to be held by virtue of this Act every Member assisting at such Trial, before any Proceeding be had thereon, shall take the Oath in the Schedule to this Act annexed, before the Judge Advocate or his Deputy, or Person officiating as such, and on Trials by other Courts-martial, before the President of such Court, who are hereby respectively authorized to administer the same, and any sworn Member shall administer the Oath to the President; and as soon as the said Oaths shall have been administered to the respective Members, the President of the Court is hereby authorized and required to administer to the Judge Advocate, or the Person officiating

officiating as such, the Oath in the Schedule to this Act annexed; and no Proceeding or Trial shall be had upon any Offence but between the Hours of Eight of the Clock in the Morning and Four in the Afternoon, except in Cases which require an immediate Example, and except in the *East Indies*, where such Proceedings or Trial may be had between the Hours of Six in the Morning and Four in the Afternoon: Provided also, that all Witnesses duly summoned by the Judge Advocate, or the Person officiating as such, or by the President of a District or Garrison Court-martial, shall, during their necessary Attendance in such Courts, and in going to and returning from the same, be privileged from Arrest, and shall, if unduly arrested, be discharged by the Court out of which the Writ or Process issued by which such Witness was arrested, or if such Court be not sitting, then by any Judge of the Court of King's Bench in *London* or in *Dublin*, or the Court of Session in *Scotland*, or Courts of Law in the *East* or *West Indies* or elsewhere, according as the Case shall require, upon its being made to appear to such Court or Judge, by any Affidavit in a summary Way, that such Witness was arrested in going to or returning from or attending upon such Court-martial; and that all Witnesses so duly summoned as aforesaid who shall not attend on such Courts, or attending shall refuse to be sworn, or being sworn shall refuse to give Evidence or to answer all such Questions as the Court may legally demand of them, shall be liable to be attached in the Court of King's Bench in *London* or *Dublin*, or the Court of Session, or Sheriff Depute or Stewarts Depute, or their respective Substitutes, within their several Shires and Stewartries, in *Scotland*, or Courts of Law in the *East* or *West Indies*, or in any of His Majesty's Colonies, Garrisons, or Dominions in *Europe* or elsewhere respectively, upon Complaint made, in like Manner as if such Witness had neglected to attend in a Trial in any Proceeding in that Court.

Appeal.

XVI. And be it enacted, That no Officer or Soldier, being acquitted or convicted of any Offence, shall be liable to be tried a Second Time by the same or any other Court-martial for the same Offence, unless in the Case of an Appeal from a Regimental to a General Court-martial; and that no Finding, Opinion, or Sentence given by any Court-martial, and signed by the President thereof, shall be liable to be revised more than once; and no Witness shall be examined nor shall any additional Evidence be received by the Court on such Revision.

Report of Proceedings of General Courts-martial.

XVII. And be it enacted, That every Judge Advocate, or Person officiating as such at a General Court-martial, or the President of any District or Garrison Court-martial, is required to transmit, with as much Expedition as the Opportunity of Time and Distance of Place can admit, the original Proceedings and Sentence thereof to the Judge Advocate General in *London*, in whose Office they shall be carefully preserved; and any Person tried by a General Court-martial, or any Person in his Behalf, shall be entitled, on Demand, to a Copy of such Sentence and Proceedings (paying reasonably for the same), whether such Sentence shall be approved or not, at any Time not sooner than Six Months if the Trial took place at *Gibraltar* or

in the *Mediterranean*, Three Months if at any other Station within *Europe*, and Twelve Months if elsewhere in His Majesty's Dominions; provided that such Demand as aforesaid shall have been made within the Space of Three Years from the Date of the Approval or other final Decision upon the Proceedings before such General Court-martial.

Transportation from the United Kingdom.

XVIII. And be it enacted, That whenever His Majesty shall intend that any Sentence of Transportation heretofore or hereafter passed by any Court-martial shall be carried into execution for the Term specified in such Sentence or for any shorter Term, or shall be graciously pleased to commute as aforesaid to Transportation any Sentence of Death passed by any such Court, the same, together with His Majesty's Pleasure thereupon, shall be notified in Writing by the Officer commanding in chief His Majesty's Forces in *Great Britain* and *Ireland*, or in the temporary Absence of such Officer by the Adjutant General, or when there shall not be any Commander-in-Chief of His Majesty's Forces in *Great Britain* and *Ireland*, then by the Secretary at War or his Deputy, to any Judge of the King's Bench, Common Pleas, or Exchequer in *England* or *Ireland*, and thereupon such Judge shall make an Order for the Transportation of such Offender in conformity with such Notification, and shall also do all such other Acts consequent upon the same as such Judge is authorized to do by any Act in force touching the Transportation of other Offenders; and the Person in whose Custody such Offender shall at that Time be, and all other Persons whatsoever whom the said Order may concern, shall be bound to obey and shall be assistant in the Execution thereof, and shall be liable to the same Punishment for Disobedience, or for interrupting the Execution of the same, as if the Order had been made under the Authority of any such Act as aforesaid; and every Person so ordered to be transported shall be subject to every Provision made by Law and in force concerning Persons convicted of any Crime and under Sentence of Transportation; and from the Time when such Order of Transportation shall be made every Act now in force touching the Escape of Felons shall apply to such Offender, and to all Persons aiding and abetting, contriving, or assisting in any Escape or intended Escape of any such Offender; and the Judge who shall make any Order of Transportation as aforesaid shall direct the Notification of His Majesty's Pleasure, and his own Order made thereupon, to be filed and kept of Record in the Office of the Clerk of the Crown of the Court of King's Bench; and the said Clerk shall have a Fee of Two Shillings and Sixpence only for filing the same, and shall, on Application, deliver a Certificate in Writing (not taking more than Two Shillings and Sixpence for the same) to such Offender, or to any Person applying in his or His Majesty's Behalf, shewing the Christian and Surname of such Offender, his Offence, the Place where the Court was held before whom he was convicted, and the Conditions on which the Order of Transportation was given; which Certificate shall be sufficient Proof of the Conviction and Sentence of such Offender, and also of the Terms on which such Order for his Transportation was given, in any Court and in any Proceeding wherein it may be necessary to inquire into the same.

XIX. And

Transportation from the Colonies.

XIX. And be it enacted, That whenever any Sentence of Transportation heretofore or hereafter passed by any Court-martial holden in the *East Indies*, or in any Part of His Majesty's Foreign Dominions, is to be carried into execution for the Term specified in such Sentence or for any shorter Term, or when Sentence of Death has been or shall as aforesaid be commuted to Transportation, the same shall be notified by the Officer commanding in chief His Majesty's Forces at the Presidency or Station, or in his Absence by the Adjutant General for the Time being, to some Judge of one of the Supreme Courts of Judicature in the *East Indies*, or Chief Justice, or some other Judge, as the Case may be, in any Part of His Majesty's Foreign Dominions, who shall make Order for the Transportation or intermediate Custody of such Offender, in like Manner as for the Transportation or intermediate Custody of any other Convict, under an Act passed in the Sixth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for punishing Offences committed by Transports kept to labour in the Colonies, and better regulating the Powers of Justices of the Peace in* New South Wales, and an Order of His Majesty in Council dated the Eleventh Day of *November* One thousand eight hundred and twenty-five; and the necessary Proceedings shall be taken, according to such Order, for the Transportation or intermediate Custody of such Offender; and all Acts in force in such Place touching other Offenders to be transported shall in all respects apply as well to the Offender himself so to be transported as to all other Persons whatsoever therein concerned. 6 G. 4. c. 69.

Offences against former Mutiny Acts may be tried under this Act.

XX. And be it enacted, That all Crimes and Offences which have been committed against any Act for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters, or against any of the Articles of War made and established by virtue of the same, may, during the Continuance of this Act, be inquired of and punished in like Manner as if they had been committed against this Act; and every Warrant for holding any Court-martial under any former Act shall remain in full Force notwithstanding the Expiration of such Act, and all Proceedings of any Court-martial upon any Trial begun under the Authority of such former Act shall not be discontinued by the Expiration of the same; provided that no Person shall be liable to be tried and punished for any Offence against any of the said Acts or Articles of War which shall appear to have been committed more than Three Years before the issuing of the Commission or Warrant for such Trial, unless the Person accused, by reason of his having absented himself, or of some other manifest Impediment, shall not have been amenable to Justice within that Period, in which Case such Person shall be liable to be tried at any Time not exceeding Two Years after the Impediment shall have ceased.

Subsequent Enlistment no Protection from Punishment for Desertion.

XXI. And be it enacted, That every Soldier shall be liable to be tried and punished for Desertion from any Corps into which he may have enlisted, or from His Majesty's Service, although he may of right belong to the Corps from which he shall have originally deserted; and if such Person shall be claimed as a Deserter by the Corps

Corps to which he originally belonged, and be tried as a Deserter therefrom, or shall be tried as a Deserter from any other Corps into which he may have enlisted, or if he shall be tried while actually serving in some Corps for Desertion from any other Corps, every Desertion previous or subsequent to that for which he shall be under Trial, as well as every previous Conviction for any other Offence, may be given in Evidence against him; and in like Manner in the Case of any Soldier tried for any Offence whatever, any previous Convictions may be given in Evidence against him; provided that no such Evidence shall in any Case be received until after the Prisoner shall have been found guilty of such Offence, and then only for the Purpose of affixing Punishment; and provided also, that after he shall so have been found guilty, and before such Evidence shall be received, it shall be proved to the Satisfaction of the Court that he had previously to his Trial received Notice of the Intention to produce such Evidence on the same; and provided further, that the Court shall in no Case award to him any greater or other Punishment or Punishments than may by this Act and by the Articles of War be awarded for the Offence of which he shall so have been found guilty.

Apprehension of Deserters.

XXII. And be it enacted, That it shall be lawful for the Constable of any Place where any Person reasonably suspected to be a Deserter shall be found, or of any adjoining Place, and if no such Constable can be immediately met with, then for any Officer or Soldier in His Majesty's Service, to apprehend or cause such suspected Person to be apprehended, and to cause him to be brought before any Justice living in or near such Place, and acting for the same or any adjoining County, who hath hereby Power to examine such suspected Person; and if by his Confession, or the Testimony of One or more Witnesses upon Oath, or by the Knowledge of such Justice, it shall appear that such suspected Person is a Soldier, and ought to be with the Corps to which he belongs, such Justice shall forthwith cause him to be conveyed to some public Prison in such Place, or if there be no public Prison in such Place, then, at the Discretion of such Justice of the Peace, to the nearest or most convenient public Prison in the same or any next adjoining County, or to the Provost Marshal, in case such Deserter shall be apprehended within the City or Liberties of *Dublin* or Places adjacent; or if such Deserter shall be apprehended by any Party of Soldiers of his own Regiment, or shall be apprehended in the Vicinity of the Head Quarters or of any Depôt of the Regiment to which he shall belong, then such Justice may deliver such Deserter to the Party of his Regiment, or may order such Deserter to be taken to the Head Quarters or Depôt of the Regiment to which he shall belong, instead of committing him to Prison; and such Justice shall transmit an Account thereof, in the Form prescribed in the Schedule annexed to this Act, to the Secretary at War, or, if the Deserter be apprehended in *Ireland*, to the Chief Secretary, specifying at the Foot thereof the Commitment to Prison, or Delivery of such Deserter to the Party of his Regiment in order for his being taken to the Head Quarters or Depôt of his Regiment, as the Case may be, to the end that such Person may be removed by an Order from the Office of the said Secretary at War, or Chief Secretary in *Ireland*, and

proceeded against according to Law; and such Justice shall also send to the Secretary at War a Report, stating the Names of the Persons by whom the Deserter was apprehended and secured; and the Secretary at War shall transmit to such Justice an Order for the Payment to such Persons of such Sum, not exceeding Forty Shillings, as the Secretary at War shall be satisfied they are entitled to, according to the true Intent and Meaning of this Act: Provided also, that the Fee or Reward taken by any Justice, or his Clerk, in respect of any Information, Commitment, or Report as aforesaid, shall in no Case exceed the Sum of Two Shillings.

Fraudulent Confession of Desertion.

XXIII. And be it enacted, That any Person who shall voluntarily deliver himself up as a Deserter from His Majesty's Forces or the embodied Militia, or the Forces of the *East India* Company, or who, upon being apprehended for any Offence, shall, in the Presence of the Justice, confess himself to be a Deserter as aforesaid, shall be deemed to have been duly enlisted and to be a Soldier, and shall be liable to serve in any of His Majesty's Forces, as His Majesty shall think fit to appoint, whether such Person shall have been ever actually enlisted as a Soldier or not; or shall be liable to be punished as a Rogue and Vagabond; or may be prosecuted and punished for obtaining Money under false Pretences; and the Confession and receiving Subsistence as a Soldier by such Person shall be Evidence of the false Pretence and obtaining Money; and if the Person so confessing himself to be a Deserter shall be serving at the Time in any of His Majesty's Forces, he shall be deemed to be and shall be dealt with as a Deserter.

Recruits deserting liable to be transferred to the nearest Regiment or Depôt.

XXIV. And be it enacted, That any Recruit who shall desert prior to joining the Regiment for which he has enlisted, shall, on being apprehended, and committed for such Desertion by any Justice of the Peace upon the Testimony of One or more Witnesses upon Oath, or upon his own Confession, be liable to be transferred to any Regiment or Depôt nearest to the Place where he shall have been apprehended, or to any other Regiment to which His Majesty may deem it more desirable that he should be transferred: Provided always, that all Cavalry Recruits so committed for Desertion shall be transferred to Cavalry Regiments, and Infantry Recruits to Infantry Regiments; and that such Deserters thus transferred shall not be liable to other Punishment for the Offence, nor to any other Penalty, except the Forfeiture of their personal Bounty, reserving only for them that Part of the Bounty which is applicable to and required for the Provision of Necessaries.

Penalty for inducing or assisting to desert.

XXV. And be it enacted, That every Person who shall, in any Part of His Majesty's Dominions, directly or indirectly persuade any Soldier to desert, shall suffer such Punishment by Fine or Imprisonment, or both, as the Court before which the Conviction may take place shall adjudge; and every Person who shall assist any Deserter, knowing him to be such, in deserting or in concealing himself, shall forfeit for every such Offence the Sum of Twenty Pounds.

Penalty for forcible Entry.

XXVI. And be it enacted, That every Commissioned Officer who shall, without Warrant from One or more of His Majesty's Justices, forcibly enter into or break open the Dwelling House or Outhouses of any Person whomsoever, under Pretence of searching for Deserters, shall, upon due Proof thereof, forfeit the Sum of Twenty Pounds.

Custody of Offenders under a Military Sentence.

XXVII. And be it enacted, That every Gaoler and Keeper of any Prison or House of Correction in every Part of His Majesty's Dominions shall, upon the Order in Writing of any Commanding Officer of a District, Garrison, Regiment, or Corps, (as the Case may be,) receive into his Custody any Soldier under Sentence of Imprisonment by a General or other Court-martial, and keep him in a proper Place of Confinement, with or without hard Labour, according to the Sentence of the Court, and during the Time specified in the said Order, or until he be discharged, or shall, although the Period for which the Soldier was originally committed may not have expired, deliver him up to any Person producing an Order in Writing to that Effect from any such Commanding Officer as aforesaid; and every such Gaoler who shall refuse to receive and to confine any such Non-commissioned Officer or Soldier in manner as aforesaid shall forfeit for every such Offence the Sum of One hundred Pounds.

Custody and Subsistence of Deserters.

XXVIII. And be it enacted, That the Gaoler or Person having the immediate Inspection of any Prison, Gaol, or House of Correction in every Part of His Majesty's Dominions, shall diet and supply every Soldier with Fuel and other Necessaries, according to the Regulations of the Prison to which he shall be committed, and shall receive on account of every Soldier, during the Period of his Imprisonment, Sixpence *per Diem*, which the Secretary at War shall cause to be issued out of the Subsistence of such Soldier, upon Application in Writing, signed by any Justice within whose Jurisdiction such Place of Confinement shall be locally situated, together with a Copy of the Order of Commitment, and which Sum of Sixpence *per Diem* shall be carried to the Credit of the Fund from which the Expence of such Prison or House of Correction is defrayed; and such Gaoler is hereby required to receive and confine every Deserter who shall be delivered into his Custody by any Soldier conveying such Deserter under lawful Authority, on Production of the Warrant of the Justice of the Peace on which such Deserter shall have been taken, or some Order from the Office of the Secretary at War, or Chief Governor or Governors of *Ireland*, which Orders shall be reciprocally valid within *Great Britain* and *Ireland*, and continue in force until the Deserter shall have arrived at his Destination in either Country, and such Gaoler shall be entitled to One Shilling for the safe Custody of the said Deserter while halted on the March, and to such Subsistence for his Maintenance as shall be directed by His Majesty's Regulations.

Notice of Expiration of Imprisonment.

XXIX. And be it enacted, That every Gaoler, to whom any Notice shall have been given that any Person in his Custody for any Offence is a Soldier liable to serve His Majesty on the Expiration of his Imprisonment, shall give One Month's Notice of the Period of such Expiration of Imprisonment, or if there shall not be sufficient

Time for a Month's Notice, then the longest practicable Notice thereof, to the Secretary at War, or, if in *Ireland*, to the Chief Secretary.

Persons subject to this Act.

XXX. And be it enacted, That all the Provisions of this Act shall apply to all Persons employed on the Recruiting Service receiving Pay in respect of such Service, and to the Forces of the *East India* Company, while they shall be in any Part of the United Kingdom, and until their Arrival in the Territories of the *East India* Company, and to the Officers and Persons now or hereafter serving and hired to be employed in the Royal Artillery and Field Train, and Master Gunners and Gunners, and Conductors of Stores, and in the Regiment of Royal Engineers and the Corps of Royal Sappers and Miners, and in the Corps of Royal Military Surveyors and Draftsmen, in the Ordnance and in the Commissariat Departments, and who are or shall be serving with any Part of His Majesty's Forces, at Home or Abroad, under the Command of any Officer having Commission from His Majesty, and all Storekeepers and other Civil Officers who are or shall be employed by or act under the Ordnance at any of His Majesty's Ordnance Establishments at Foreign Stations; provided that nothing in this Act contained shall extend to affect any Security which has been given by such Storekeeper, Barrack Master, or other Officer, or their Sureties, for the due Performance of their respective Offices, under the Provisions of an Act passed in the Fiftieth Year of the Reign of His late Majesty, to regulate the taking of Securities in all Offices, but that such Bonds and other Securities shall be and remain in full Force and Effect.

Foreign Troops in this Country.

XXXI. And be it enacted, That all Officers and Soldiers of any Troops, being mustered and in Pay, which shall be raised and serving in any of His Majesty's Dominions Abroad, or in Places in possession of or occupied by His Majesty's Subjects, under the Command of any Officer having any Commission immediately from His Majesty, shall be liable to Martial Law in like Manner as His Majesty's other Forces are; and if such Officers and Soldiers, having been made Prisoners, be sent into *England* or *Ireland*, although not allowed to serve therein, all the Provisions of this Act in regard to billetting Soldiers shall apply to such Officers and Soldiers.

Militia and Yeomanry.

XXXII. And be it enacted, That nothing in this Act contained shall in anywise be construed to extend to any of the Militia Forces or Yeomanry or Volunteer Corps in *Great Britain* or *Ireland*, excepting only in such Cases wherein, by any Act or Acts for regulating any of the said Forces or Corps, the Provisions contained in any Act for punishing Mutiny and Desertion shall be specifically made applicable to the said Corps.

Act to extend to certain Islands.

XXXIII. And be it enacted, That this Act shall be construed to extend to the Islands of *Jersey*, *Guernsey*, *Alderney*, *Sark*, and *Man*, and the Islands thereto belonging, as to the Provisions therein for mustering and paying, and to the Provisions for the Trial and Punishment of Officers and Soldiers who shall be charged with Mutiny and Desertion, or any other of the Offences which are by this Act declared

declared to be punishable by the Sentence of a General, or Garrison, or Detachment, or Regimental Court-martial, and also to the Provisions which relate to the Punishment of Persons who shall conceal Deserters, or shall knowingly buy, exchange, or otherwise receive any Arms, Clothes, Military Furniture, or Regimental Necessaries from any Soldier or Deserter, or who shall cause the Colour of any such Clothes to be changed.

Enlisting and swearing of Recruits.

XXXIV. And be it enacted, That every Person who shall receive Enlisting Money from any Person employed in the Recruiting Service, he being an Officer, Non-commissioned Officer, or an attested Soldier, shall be deemed to be enlisted as a Soldier in His Majesty's Service, and while he shall remain with the Recruiting Party shall be entitled to be billetted; and every Person who shall enlist any Recruit shall first ask the Person offering to enlist whether he does or does not belong to the Militia, and shall cause to be taken down, in Writing, the Name and Place of Abode of such Recruit; and when any Person shall be enlisted as a Soldier in His Majesty's Land Service, he shall within Four Days, but not sooner than Twenty-four Hours after such Enlisting, appear, together with some Person employed in the Recruiting Service of the Party with which he shall have enlisted, before a Justice, or, in *Scotland*, before any Baillie of a Royal Burgh, residing in the Vicinity of the Place, and acting for the Division or District where such Recruit shall have been enlisted, and not being an Officer in the Army; and if such Recruit shall declare his having voluntarily enlisted, the said Justice shall put to him the several Questions contained in the Schedule to this Act annexed, and shall record or cause to be recorded, in Writing, his Answers thereunto; and the said Justice is hereby required forthwith to cause the Answers so recorded in Writing, and the First and Second Articles of the Second Section of the Articles of War against Mutiny and Desertion, to be read over in his own Presence to such Recruit, and to administer to such Recruit the Oath in the Schedule to this Act annexed for limited or unlimited Service, or for Service in the Forces of the *East India* Company, as may be applicable to the Case of the Recruit, and no other Oaths, any thing in any Acts to the contrary notwithstanding; and the said Justice is hereby required to give, under his Hand, the Certificate in the Schedule to this Act annexed; and if any such Recruit so to be certified shall refuse to take the Oath in the Schedule to this Act annexed before the said Justice, it shall be lawful for the Officer or Non-commissioned Officer with whom he enlisted to detain and confine such Person until he shall take the said Oath of Fidelity.

Dissent and Relief from Enlistment.

XXXV. And be it enacted, That any Recruit appearing as aforesaid before such Justice shall be at liberty to declare his Dissent to such Enlisting, and upon such Declaration, and returning the Enlisting Money, and also paying the Sum of Twenty Shillings for the Charges expended upon him, together with the full Amount of Subsistence and Beer Money which shall have been paid to such Recruit subsequent to the Period of his having been enlisted, shall be forthwith discharged and set at liberty in the Presence of such Justice; but if such Person shall refuse or neglect, within the Space

of

of Twenty-four Hours after so declaring his Dissent, to return such Money as aforesaid, he shall be deemed and taken to be enlisted as if he had given his Assent thereto before the said Justice: Provided also, that it shall be lawful for any Justice to discharge any Person who shall have hastily enlisted, and who shall apply to him to declare his Dissent within such Four Days as aforesaid, upon Payment of the Sum of Money required to be paid by any Recruit declaring his Dissent under this Act, notwithstanding no Person belonging to the Recruiting Party shall be with the Recruit, if it shall appear to such Justice, upon Proof to his Satisfaction, that the Recruiting Party has left the Place where such Recruit was enlisted, or that the Recruit could not procure any Person belonging to such Party to go with him before the Justice; and the Sum paid by such Recruit upon his Discharge shall be kept by the Justice, and paid to any Person belonging to the Recruiting Party entitled thereto demanding the same; provided that no Recruit who has been actually, though erroneously, discharged by the Justice before the Expiration of Twenty-four Hours after the Time of his Enlistment, shall be liable on that Account to be proceeded against as having deserted from His Majesty's Service; and the Justice who shall discharge any Recruit shall in every Case give a Certificate thereof, signed with his Hand, to the Recruit, specifying the Cause thereof.

Offences connected with Enlistment.

XXXVI. And be it enacted, That if any Recruit shall receive the Enlisting Money from any Person employed in the Recruiting Service (knowing it to be such), and shall abscond or refuse to go before such Justice, or shall thereafter absent himself from the Recruiting Party or Person with whom he enlisted, and shall not voluntarily return to go before some Justice within such Period of Four Days aforesaid, such Recruit shall be deemed to be enlisted and a Soldier in His Majesty's Service, as fully to all Intents and Purposes as if he had been duly attested, and may be apprehended and punished as a Deserter, or for being absent without Leave, under any Articles of War made for Punishment of Mutiny and Desertion; and such Recruit shall not be discharged by any Justice of the Peace after the Expiration of such Four Days as aforesaid, unless it shall be proved to the Satisfaction of such Justice that the true Name and Residence of the Recruit was disclosed and known to the Recruiting Party, and that no Notice was given to the Recruit, or left at his usual Place of Abode, of his having so enlisted; provided that in every Case wherein any Recruit shall have received Enlisting Money, and shall have absconded from the Party, so that it shall not be possible immediately to apprehend and bring him before a Justice, the Officer or Non-commissioned Officer commanding the Party shall produce to the Justice before whom the Recruit ought regularly to have been brought for Attestation a Certificate of the Name and Place of Residence of such Recruit; and the Justice to whom such Certificate shall be produced shall, after satisfying himself that the Recruit who had absconded cannot be found and apprehended, transmit a Duplicate thereof to His Majesty's Secretary at War, or, if in *Ireland*, to the Chief Secretary, in order that, in the event of such Recruit being afterwards apprehended and reported as a Deserter, the Facts of his having received Enlisting Money, and having

absconded after having been enlisted, may be ascertained before he be finally adjudged to be a Deserter; and any Recruit who shall enlist into His Majesty's Forces, and who shall be discovered to be incapable of active Service by reason of any Infirmity concealed or not declared by such Recruit before the Justice at the Time of his Attestation, and mentioned therein, may be transferred into any Garrison or Veteran or Invalid Battalion, or into His Majesty's Marine Forces, notwithstanding he shall have enlisted for any particular Regiment, and shall be entitled to receive such Proportion or Residue of Bounty only as His Majesty may allow in that Behalf, instead of the Bounty upon which such Man shall have been enlisted, any thing in any Act or Acts, or any Rules and Regulations relating to Soldiers, to the contrary notwithstanding; and it shall be lawful for any Two Justices before whom such Recruit shall be brought, and who shall be proved, upon Oath before them, to have concealed his having been a Soldier and discharged, or to have concealed his having been discharged upon any prior Enlistment, or to have wilfully concealed any such Infirmity upon being attested, or to have designedly made any false Representation as aforesaid, to adjudge such Person to be a Rogue and Vagabond, and to sentence him to such Punishment as by any Law now in force may be inflicted upon Rogues and Vagabonds and Vagrants and incorrigible Rogues; and any Recruit who shall designedly make any false Representation of any Particular contained in the Oaths and Certificates in the Schedule to this Act annexed, before the Justice, at the Time of his Attestation, and shall obtain any Enlisting Money or Bounty for entering into His Majesty's Service, or any other Money, shall be deemed guilty of obtaining Money under false Pretences, within the true Intent and Meaning, if in *England*, of an Act, intituled *An Act for consolidating and amending the Laws in* England *relative to Larceny and other Offences connected therewith;* and if in *Ireland*, of an Act passed in the Ninth Year of the Reign of His late Majesty, intituled *An Act for consolidating and amending the Laws in* Ireland *relative to Larceny and other Offences connected therewith;* and the Production of such Certificate, and Proof of the Handwriting of the Justice giving such Certificate, shall be sufficient Evidence of such Party having represented the several Particulars contained in the Oath sworn by him, and specified in the Certificate of the Justice at the Time of his being attested; and that Proof by the Oath of One or more credible Witnesses, that the Person so prosecuted hath voluntarily acknowledged that at the Time of his Enlistment he belonged to the Militia, or to any Regiment in His Majesty's Service, or to His Majesty's Navy or Marines, shall be deemed and taken as Evidence of the Fact so by him acknowledged, without Production of any Roll or other Document to prove the same; and any Man having been enrolled to serve in the Militia at the Time of offering to enlist shall deny that he is a Militia Man then actually enrolled and engaged to serve, or shall deny to the Justice before whom he shall be attested that he belongs to the Militia, shall, on Conviction thereof before any One Justice in the United Kingdom, either upon Oath of One Witness or upon his own Confession, or upon the Production of the Attestation, and the before-mentioned Declaration of such Person, certified by the Secretary at War or Deputy Secretary at War, be committed

7 & 8 G. 4. c. 29.

9 G. 4. c. 55.

to the Common Gaol or House of Correction, there to remain without Bail or Mainprize for and during any Time not exceeding Six Calendar Months, over and above any Penalty or Punishment to which such Person so offending may be otherwise liable; and shall, from the Day on which his Engagement to serve in the Militia shall end, and not sooner, belong as a Soldier to the Corps of His Majesty's Regular Forces, or of the *East India* Company's Forces, into which he shall have so enlisted; provided that every such Person shall be liable to serve, within the United Kingdom of *Great Britain* and *Ireland*, in any Regiment, Battalion, or Corps of His Majesty's Regular Forces, or of the *East India* Company's Forces, in which he has so enlisted, during all the Time the Militia to which he shall belong shall remain disembodied, or shall not be called out for Training or Exercise, and shall during all such Time be subject to all the Provisions of this Act, and liable to be apprehended and dealt with and punished as a Deserter from the Corps in which he shall have so enlisted, if he shall neglect or refuse to join and serve in such Corps as aforesaid.

Penalty on Officers offending against Laws regarding Enlistment.

XXXVII. And be it enacted, That every Military Officer, who shall act contrary to the Provisions of this Act in any respect regarding the enlisting and attesting of Recruits for His Majesty's Service, shall upon Proof thereof upon Oath by Two Witnesses before a General Court-martial, which is hereby authorized to administer such Oath, be cashiered, and disabled to hold any Civil or Military Office or Employment in His Majesty's Service.

Enlistment and Re-enlistment abroad.

XXXVIII. And whereas it is expedient that Provision should be made for the enlisting and attesting of Soldiers desirous of re-enlisting, and others desirous of enlisting, abroad; be it therefore enacted, That it shall be lawful for any Person duly appointed by His Majesty by any Warrant signed by the Secretary at War in that Behalf, and not being a General Officer nor holding any Regimental Commission, to enlist and attest, out of *Great Britain* or *Ireland*, any Soldiers or Persons desirous of enlisting or re-enlisting into His Majesty's Service; and any Person so appointed shall have the same Powers in that Behalf as are given to Justices in the United Kingdom for all such Purposes of Enlistment and Attestation; and any Person so enlisted or re-enlisted shall be deemed to be an attested Soldier; and as often as any Corps shall be relieved or be disbanded at any Station beyond the Seas, it shall be lawful for any Officers thereunto authorized by the Officer commanding in chief at such Station to enlist as many of the Soldiers belonging to the Corps leaving the Station as shall be willing and fit for Service for any Corps appointed to remain; and every Soldier so enlisted is hereby deemed to be discharged from his former Corps; and an attested Certificate of Transfer shall be delivered to the Soldier.

Enlistment of Negroes.

XXXIX. And be it enacted, That all Negroes purchased by or on account of His Majesty, His Heirs and Successors, and serving in any of His Majesty's Forces, shall be deemed and taken to be free in every respect as if born free in any Part of His Majesty's Dominions, and shall be considered as Soldiers having voluntarily enlisted in His Majesty's Service; provided that nothing contained in this Act

Act as to enlisting for limited Periods of Service, or in any other Act as to any Rules or Regulations for granting Pensions or Allowances to Soldiers discharged after certain Periods of Service, shall extend to any Negroes so purchased.

Apprentice enlisting to be liable to serve after the Expiration of his Apprenticeship.

XL. And be it enacted, That any Person duly bound as an Apprentice who shall enlist as a Soldier in His Majesty's or the *East India* Company's Service, and shall state to the Magistrate before whom he shall be carried and attested that he is not an Apprentice, shall be deemed guilty of obtaining Money under false Pretences within the true Intent and Meaning of the before-recited Acts, and shall, after the Expiration of his Apprenticeship, whether he shall have been so convicted and punished or not, be liable to serve as a Soldier in any of His Majesty's Regular Forces, or in the Forces of the *East India* Company, according to the Terms of the Enlistment; and if on the Expiration of his Apprenticeship he shall not deliver himself up to some Officer authorized to receive Recruits, may be taken as a Deserter from His Majesty's Forces.

Claims of Masters to Apprentices.

XLI. And be it enacted, That no Master shall be entitled to claim an Apprentice who shall enlist as a Soldier in His Majesty's or the *East India* Company's Service, unless he shall, within One Calendar Month after such Apprentice shall have left his Service, go before some Justice and take the Oath mentioned in the Schedule to this Act annexed, and produce the Certificate of such Justice of his having taken such Oath, which Certificate such Justice is required to give in the Form in the Schedule to this Act annexed; and unless such Apprentice shall have been bound, if in *England*, for the full Term of Seven Years, not having been above the Age of Fourteen when so bound, and, if in *Ireland* or in the *British* Isles, for the full Term of Five Years at the least, not having been above the Age of Sixteen when so bound, and, if in *Scotland*, for the full Term at least of Four Years, by a regular Contract or Indenture of Apprenticeship, duly extended, signed, and tested, and binding on both Parties by the Law of *Scotland*, prior to the Period of Enlistment; and unless such Contract or Indenture so duly executed shall, within Three Months after the Commencement of the Apprenticeship, and before the Period of Enlistment, have been produced to a Justice of the Peace of the County wherein the Parties reside, and there shall have been indorsed thereon by such Justice a Certificate or Declaration signed by him, specifying the Date when the Person by whom such Contract or Indenture shall have been so produced, which Certificate or Declaration such Justice of the Peace is hereby required to indorse and sign; and unless such Apprentice shall, when claimed by such Master, be under Twenty-one Years of Age; provided that any Master of an Apprentice indentured for the Sea Service shall be entitled to claim and recover him in the Form and Manner above directed, notwithstanding such Apprentice may have been bound for a less Term than Seven, Five, or Four Years as aforesaid; and any such Master who shall give up the Indentures of Apprenticeship within One Month after the enlisting of such Apprentice shall be entitled to receive to his own Use so much of the Bounty payable to such Recruit, after deducting therefrom Two Guineas to provide him

him with Necessaries, as shall not have been paid to such Recruit before Notice given of his being an Apprentice.

Punishment of Apprentices enlisting.

XLII. And be it enacted, That no Apprentice claimed by his Master shall be taken from any Corps or Recruiting Party but under a Warrant of a Justice residing near and within whose Jurisdiction such Apprentice shall then happen to be, before whom he shall be carried, and such Justice shall inquire into the Matter upon Oath, which Oath he is hereby empowered to administer, and shall require the Production and Proof of the Indenture, and that Notice of the said Warrant has been given to the Commanding Officer, and a Copy thereof left with some Officer or Non-commissioned Officer of the Party, and that such Person so enlisted declared that he was no Apprentice; and such Justice, if required by such Officer or Non-commissioned Officer, shall commit the Offender to the Common Gaol of the said Place, and shall keep the Indenture to be produced when required, and shall bind over such Person as he may think proper to give Evidence against the Offender, who shall be tried at the next or at the Session immediately succeeding the next General or Quarter Sessions of the County, Division, or Place, unless the Court shall on just Cause put off the Trial; and the Production of the Indenture, with the Certificate of the Justices that the same was proved, shall be sufficient Evidence of the said Indenture; and every such Offender, in *Scotland*, may be tried by the Judge Ordinary in the County or Stewartry, in such and the like Manner as any Person may be tried in *Scotland* for any Offence not inferring a Capital Punishment; provided that any Justice not required as aforesaid to commit such Apprentice may deliver him to his Master.

Musters, and Penalty on false Musters.

XLIII. And be it enacted, That Musters shall be taken of every Regiment, Troop, or Company in His Majesty's Service Twice at least in every Year, at such Times as shall be appointed; and no Soldier shall be absent from such Musters, unless properly certified to be employed on some other Duty of the Regiment, or to be sick, or in Prison, or on Furlough; and every Person who shall give or procure to be given any untrue Certificate, whereby to excuse any Soldier for his Absence from any Muster or any other Service which he ought to attend or perform, or shall make any false or untrue Muster of Man or Horse, or shall wittingly or willingly allow or sign the Muster Roll wherein such false Muster is contained, or any Duplicate thereof, or who shall directly or indirectly take or cause to be taken any Money or Gratuity for mustering any Soldiers, or for signing any Muster Rolls or Duplicates thereof, or shall knowingly muster any Person by a wrong Name, upon Proof thereof upon Oath made by Two Witnesses before a General Court-martial, shall for such Offence be forthwith cashiered, and shall be thereby utterly disabled to have or hold any Civil or Military Office or Employment within the United Kingdom of *Great Britain* and *Ireland*, or in His Majesty's Service; and if the Person giving such untrue Certificate shall not have any Military Commission, he shall forfeit for every such Offence the Sum of Fifty Pounds; and any Person who shall falsely be mustered or offer himself to be mustered, or lend or furnish any Horse to be falsely mustered, shall, upon Oath made by Two

Witnesses before some Justice of the Peace residing near the Place where such Muster shall be made, forfeit the Sum of Twenty Pounds; and the Informer, if he belongs to His Majesty's Service, shall, if he demand it, be forthwith discharged.

Musters in and near Westminster.

XLIV. And be it enacted, That Forty-eight Hours Notice shall be given to Six Justices, not being Officers of the Army, residing within the City and Liberties of *Westminster* and Borough of *Southwark*, of the Muster to be taken of His Majesty's Forces quartered within the said City and Liberties and Borough; and no Officer shall proceed to take such Musters, under Penalty of Fifty Pounds, except in the Presence of Two or more Justices, who shall take cognizance of such Muster, and sign the same, unless such Justices shall neglect to attend, of which Neglect, as well as of the proper Notice being given to such Justices, Oath shall be made, within Forty-eight Hours after such Muster, before any Justice; and the Officer appointed to take the Half-yearly Musters of any of His Majesty's Forces, at any Place Ten Miles distant from *London*, shall close the Muster Rolls within Twenty-four Hours after the said Muster has been made, and send a Copy thereof within Seven Days to the Secretary at War.

Forfeiture of Pay.

XLV. And be it enacted, That any Soldier who shall absent himself without Leave, or who shall desert, shall, on Conviction by a General or other Court-martial, in addition to any Punishment awarded by such Court, forfeit his Pay for the Days on which he has so absented himself without Leave, or on which he has been absent by such Desertion, and that no Soldier shall be entitled to Pay or to reckon Service towards Pay or Pension when in Confinement under any Sentence of any Court, or during any Absence from Duty by Commitment under the Civil Power on a Charge of any Offence cognizable by a Civil or Criminal Court, or by reason of any Arrest for Debt, or as a Prisoner of War; provided that any Soldier, acquitted of the Offence for which he was committed, shall, upon Return to his Duty in his Corps, be entitled to receive all Arrears of Pay growing due, and to reckon Service during his Absence or Confinement; and upon rejoining His Majesty's Service from being a Prisoner of War, due Inquiry shall be made by a Court-martial, and if it shall be proved to the Satisfaction of such Court that the said Soldier was taken Prisoner without wilful Neglect of Duty on his Part, and that he hath not served with or under or in any Manner aided the Enemy, and that he hath returned as soon as possible to His Majesty's Service, he may thereupon be recommended by such Court to receive either the Whole of such Arrears of Pay, or a Proportion thereof, or to reckon Service during his Absence; provided that it shall be lawful for His Majesty's Secretary at War to order or withhold the Payment of the Whole or any Part of the Pay of any Officer or Soldier during the Period of Absence by any of the Causes aforesaid.

Extension of Furlough in case of Sickness.

XLVI. And be it enacted, That when there shall not be any Military Officer of Rank, not inferior to Captain, or any Adjutant of Regular Militia, within convenient Distance of the Place where any Non-commissioned Officer or Soldier on Furlough shall be detained by

by Sickness or other Casualty rendering necessary any Extension of such Furlough, it shall be lawful for any Justice who shall be satisfied of such Necessity to grant an Extension of Furlough for a Period not exceeding One Month; and the said Justice shall immediately certify such Extension, and the Cause thereof, to the Commanding Officer of the Corps or Detachment to which the Man belongs, if known, and if not, then to the Agent of the Regiment, in order that the proper Sum may be remitted to the Soldier, who shall not during the Period of such Extension of Furlough be liable to be treated as a Deserter; provided that nothing herein contained shall be construed to exempt any Soldier from Trial and Punishment, according to the Provisions of this Act, for any false Representation made by him in that Behalf to the said Justice, or for any Breach of Discipline committed by him in applying for and obtaining the said Extension of Furlough.

Marching Money on Discharge.

XLVII. And be it enacted, That every Soldier entitled to his Discharge shall, if then serving Abroad, be sent, if he shall so require it, to *Great Britain* or *Ireland* free of Expence, and shall be entitled to receive Marching Money from the Place of his being landed (or, if discharged at Home, shall receive Marching Money from the Place of his Discharge,) to the Parish or Place in which he shall have been originally enlisted, or at which he shall at the Time of his Discharge decide to take up his Residence, such Place not being at a greater Distance from the Place of Discharge than the Place of his original Enlistment.

Commissaries to attest their Accounts.

XLVIII. And be it enacted, That all Commissaries upon making up their Accounts, and also upon returning from any Foreign Service, shall take the Oath described in the Schedule to this Act annexed; which Oath, if taken in any Part of the United Kingdom, shall be taken before some Justice, and if taken on Foreign Service, before the Officer commanding in chief, or the Second in command, or the Quarter Master or Deputy Quarter Master General or any Assistant Quarter Master General of the Army to which he shall be attached, who shall respectively have Power to administer the same.

Issue of Pay of the Army.

XLIX. And be it enacted, That no Secretary at War, Paymaster General of the Army, Paymaster, or any other Officer whatsoever, or their under Officers, shall receive any Fees or make any Deductions whatsoever out of the Pay of any Officer or Soldier in His Majesty's Army, or from their Agents, which shall grow due from and after the Twenty-fifth Day of *April* One thousand eight hundred and thirty-four, other than the usual Deductions, or such other necessary Deductions as shall from Time to Time be required by His Majesty's Regulations, or by His Majesty's Order signified by the Secretary at War; and every Paymaster or other Officer having received any Officer's or Soldier's Pay, who shall unlawfully detain the same for the Space of One Month, or refuse to pay the same when it shall become due, according to the several Rates and agreeable to the several Regulations established by His Majesty's Orders, shall, upon Proof thereof before a Court-martial, be discharged from his Employment, and shall forfeit One hundred Pounds, and the Informer, if

if a Soldier, if he demands it, shall be discharged from any further Service; provided that it shall be lawful for His Majesty's Secretary at War to give Orders for withholding the Pay of any Officer or Soldier for any Period during which such Officer, Non-commissioned Officer, or Soldier shall be absent without Leave, or improperly absent from his Corps and from his Duty; or, in case of any Doubt as to the proper Issue of Pay, to withhold it from the Parties aforesaid until His Majesty's Orders shall have been signified by the Secretary at War.

Penalty for Disobedience by Agents.

L. And for enforcing a prompt Observance of the Rules and Orders for the due Appropriation of the Public Funds applicable to Army Services, and in order that a true and regular Account may be kept and rendered by the Agents of the several Corps, be it enacted, That the said Agents are hereby required to observe such Orders as shall from Time to Time be given by His Majesty under His Sign Manual, or by the Secretary at War, or by His Majesty's Chief Governor or Governors of *Ireland*, or by the Lord Treasurer or Commissioners of the Treasury; and if any Person, being or having been an Agent, shall refuse or neglect to comply with such Orders in relation to his Duty as Agent, or shall unlawfully withhold or detain the Pay of any Officer or Soldier after the Space of One Month after the Receipt thereof, he shall for the First Offence forfeit the Sum of One hundred Pounds; and, if still an Agent, for the Second Offence be discharged from his Employment as an Army Agent, and be utterly disabled to have or hold such Employment thereafter; or, if he shall have ceased to be an Army Agent, shall for the Second and every succeeding Offence forfeit the Sum of Two hundred Pounds.

How and where Troops may be billetted.

LI. And whereas by Petition of Right, in the Third Year of King *Charles* the First, it is enacted and declared, that the People of the Land are not by the Laws to be burthened with the sojourning of Soldiers against their Wills; and by a Clause in an Act of the Parliament of *England*, made in the Thirty-first Year of the Reign of King *Charles* the Second, for granting a Supply to His Majesty of Two hundred and six thousand four hundred and sixty-two Pounds Seventeen Shillings and Three-pence, for paying and disbanding the Forces, it is declared and enacted, that no Officer, Civil or Military, nor other Person whomsoever, should thenceforth presume to place, quarter, or billet any Soldier upon any Subject or Inhabitant of this Realm, of any Degree, Quality, or Profession whatsoever, without his Consent, and that it shall be lawful for any Subject or Inhabitant to refuse to quarter any Soldier, notwithstanding any Warrant or Billetting whatsoever: And whereas by an Act passed in *Ireland* in the Sixth Year of the Reign of Queen *Anne*, intituled *An Act to prevent the Disorders that may happen by the marching of Soldiers, and providing Carriages for the Baggage of Soldiers on their March*, it was enacted, that no Officer, Soldier, or Trooper in the Army, nor the Servant of any Officer, nor any Attendant on the Train of Artillery, should, at any Time thereafter, be allowed any Quarters in any Part of *Ireland*, save only during such Time as he or they should be and remain in some Seaport Town in order to be transported, or during such Time as

there should be any Commotion in any Part of *Ireland*, by reason of which Emergency the Army should be commanded to march from any Part of *Ireland* to another: But forasmuch as at this Time, during the Continuance of this Act, there is and may be Occasion for the marching and quartering of Regiments, Troops, and Companies in several Parts of the United Kingdom of *Great Britain* and *Ireland*, be it further enacted, That it shall be lawful for all Constables of Parishes and Places, and other Persons specified in this Act, in *England* and *Ireland*, and they are hereby required, to billet the Officers and Soldiers in His Majesty's Service, and Persons receiving Pay in His Majesty's Army, and the Horses belonging to His Majesty's Cavalry, and also all Staff and Field Officers Horses, and all Bât and Baggage Horses belonging to any of His Majesty's other Forces, when on actual Service, not exceeding for each Officer the Number for which Forage is or shall be allowed by His Majesty's Regulations, in Victualling Houses and other Houses specified in this Act (taking care in *Ireland* not to billet less than Two Men in any One House, except only in case of billetting Cavalry as specially provided); and that they shall be received by the Occupiers of such Houses in which they are so allowed to be billetted, and be furnished by such Victuallers with proper Accommodation in such Houses, or if any Victualler shall not have sufficient Accommodation in the House upon which a Soldier is billetted, then in some good and sufficient Quarters to be provided by such Victualler in the immediate Neighbourhood, and in *England* with Diet and Small Beer, and with Stables, Hay, and Straw for such Horses as aforesaid, paying and allowing for the same the several Rates herein-after provided; and at no Time when Troops are on a March shall any of them, whether Infantry or Cavalry, be billetted above One Mile from the Place mentioned in the Route; and in all Places where Cavalry shall be billetted in pursuance of this Act, the Men and their Horses shall be billetted in one and the same House, except in case of Necessity; and in no other Case whatsoever shall there be less than One Man billetted where there shall be One or Two Horses, nor less than Two Men where there shall be Four Horses, and so in proportion for a greater Number; and in no Case shall a Man and his Horse be billetted at a greater Distance from each other than One hundred Yards; and the Constables are hereby required to billet all Soldiers and their Horses on their March in a just and equal Proportion upon the Keepers of all Houses within One Mile of the Place mentioned in the Route, although some of such Houses may be in the adjoining County, in like Manner in every respect as if such Houses were locally situate within such Place; provided that nothing herein contained shall be construed to extend to authorize any Constable to billet Soldiers out of the County to which such Constable belongs, when the Constable of the adjoining County shall be present and undertake to billet the due Proportion of Men in such adjoining County; and no more Billets shall at any Time be ordered than there are effective Soldiers and Horses present to be billetted; all which Billets, when made out by such Constables, shall be delivered into the Hands of the Commanding Officer present; and if any Person shall find himself aggrieved by having an undue Proportion of Soldiers billetted in his

House, and shall prefer his Complaint, if against a Constable or other Person not being a Justice, to One or more Justices, and if against a Justice, then to Two or more Justices, within whose Jurisdiction such Soldiers are billetted, such Justices respectively shall have Power to order, such of the Soldiers to be removed, and to be billetted upon other Persons, as they shall see Cause; and when any of His Majesty's Cavalry or any Horses as aforesaid shall be billetted upon the Occupiers of Houses in which Officers or Soldiers may be quartered by virtue of this Act, who shall have no Stables, then and in such Case, upon the written Requisition of the Commanding Officer of the Regiment, Troop, or Detachment, the Constable is hereby required to billet the Men and their Horses, or Horses only, upon some other Person or Persons who have Stables by this Act liable to have Officers and Soldiers billetted upon them; and upon Complaint being made by the Person or Persons to whose House or Stables the said Men and Horses shall have been so removed to Two or more Justices within whose Jurisdiction such Men or Horses shall be so billetted, it shall be lawful for such Justices to order a proper Allowance to be paid by the Persons relieved to the Persons receiving such Men and Horses, or to be applied in the furnishing the requisite Accommodation; and Commanding Officers may exchange any Man or Horse billetted in any Place with another Man or Horse billetted in the same Place, for the Benefit of the Service, provided the Number of Men and Horses do not exceed the Number at that Time billetted on such Houses; and the Constables are hereby required to billet such Men and Horses so exchanged accordingly; and it shall be lawful for any Justice, at the Request of any Officer or Non-commissioned Officer commanding any Soldiers requiring Billets, to extend any Routes or enlarge the District within which Billets shall be required, in such Manner as shall appear to be most convenient to the Troops; provided that, to prevent or punish all Abuses in billetting Soldiers, it shall be lawful for any Justice within his Jurisdiction, by Warrant or Order under his Hand, to require any Constable to give him an Account in Writing of the Number of Officers and Soldiers who shall be quartered by such Constable, together with the Names of the Persons upon whom such Officers and Soldiers are billetted, stating the Street or Place where such Persons dwell, and the Sign, if any, belonging to those Houses; and it shall be lawful to billet Officers and Soldiers in *Scotland* according to the Provisions of the Laws in force in *Scotland* at the Time of its Union with *England*; and no Officer shall be obliged to pay for his Lodging where he shall be regularly billetted, except in the Suburbs of *Edinburgh*.

Billetting the Guards in and near Westminster.

LII. And be it enacted, That the Officers and Soldiers of His Majesty's Foot Guards shall be billetted within the City and Liberties of *Westminster*, and Places adjacent, lying in the County of *Middlesex*, (except the City of *London*,) and in the County of *Surrey*, and in the Borough of *Southwark*, in the same Manner and under the same Regulations as in other Parts of *England*, in all Cases for which particular Provision is not made by this Act; and the High Constable shall, on Receipt of the Order for billetting Soldiers, deliver Precepts to the several Constables within their respective Divisions, in pursuance of which the said Constables shall billet

billet such Officers and Soldiers equally and proportionally on the Houses subjected thereto by this Act; and the said Constables shall, at every General Quarter Sessions of the Peace to be holden for the said City and Liberties, Counties and Boroughs respectively, make and deliver to the Justices then in open Session assembled, upon Oath, which Oath the said Justices are hereby required to administer, Lists, signed by them respectively, of the Houses subject by this Act to receive Officers and Soldiers, together with the Names and Rank of all Officers and Soldiers billetted on each respectively, which Lists shall remain with the respective Clerks of the Peace for the Inspection of all Persons, without Fee or Reward; and such Clerk shall forthwith from Time to Time deliver to any Persons who shall require the same true Copies of any such Lists, upon being paid Two-pence *per* Sheet for the same, each Sheet to contain at the least One hundred and fifty Words.

Military Officers not to act as Justices in billetting.

LIII. And be it enacted, That no Justice having or executing any Military Office or Commission in any Part of the United Kingdom shall, directly or indirectly, be concerned in the billetting or appointing Quarters for any Soldier in the Regiment, Troop, or Company under the immediate Command of such Justice, but that all Warrants, Acts, or Things so appointed by such Justice for or concerning the same shall be void.

Allowance to Innkeepers.

LIV. And be it enacted, That the Innholder or other Person on whom any Soldier is billetted in *England* shall, if required by such Soldier, furnish him for every Day on the March, and for a Period not exceeding Two Days when halted at any intermediate Place upon the March, and for the Day of the Arrival at the Place of final Destination, with One hot Meal in each Day, the Meal to consist of such Quantities of Diet and Small Beer as may be fixed by His Majesty's Regulations, not exceeding One Pound and a Quarter of Meat previous to being dressed, One Pound of Bread, One Pound of Potatoes or other Vegetables, and Two Pints of Small Beer, and Vinegar, Salt, and Pepper, and for such Meal the Innholder or other Person furnishing the same shall be paid the Sum of Ten-pence; and all Innholders and other Persons on whom Soldiers may be billetted in *England*, except when on the March, and entitled to be furnished with the hot Meal as aforesaid, shall furnish such Soldier with Candles, Vinegar, and Salt, and shall allow them the Use of Fire, and of the necessary Utensils for dressing and eating their Meat, and shall be paid in consideration thereof the Sum of One Halfpenny *per Diem* for each Soldier; and the Sum to be paid to the Innholder or other Person on whom any of the Horses belonging to His Majesty's Forces shall be billetted, in *England*, for Hay and Straw, shall be Ten-pence *per Diem* for each Horse, and in *Ireland* the Sum to be paid for Forage to the Innholder or other Person for Horses billetted by virtue of this Act shall be the Rate established by the Lord Lieutenant or other sufficient Authority from Time to Time, the same to be regulated by the average Rate of Contracts for Forage in *Ireland*; and for the Use of Stables in *Ireland*, when such Horses are provided with Hay and Straw by Contract, and not by the Occupiers of the Houses on which they are billetted, the Sum of

of Four-pence *per* Week for each Horse shall be paid; and every Officer to whom it belongs to receive or who does actually receive the Pay for any Officers or Soldiers shall every Four Days, or before they shall quit their Quarters if they shall not remain so long as Four Days, settle the just Demands of all Victuallers or other Persons upon whom such Officers and Soldiers are billetted, out of their Pay and Subsistence, before any Part of the said Pay or Subsistence be distributed to them respectively; and if any Officer as aforesaid shall not pay the same, upon Complaint, and Oath made thereof by any Two Witnesses, at the next Quarter Session for the County or City where such Quarters were situated, the Secretary at War is hereby required (upon Certificate of the Justices before whom such Oath was made of the Sum due upon such Accounts, and the Persons to whom the same is owing,) to give Orders to the Regimental Agent to pay the said Sums, and to charge the same against such Officers; and in case of any Soldier being suddenly ordered to march, and that the respective Commanding Officers are not enabled to make Payment of the Sums due for the Lodging of the Men and Stabling for the Horses, every such Officer shall, before his Departure, make up the Account with every Person upon whom such Soldier may have been billetted, and sign a Certificate thereof; which Account and Certificate shall be transmitted to the Agent of the Regiment, who is hereby required to make immediate Payment thereof, and to charge the same to the Account of such Officer.

Definition of Terms.

LV. And be it enacted, That all the Powers and Provisions in this Act contained relating to *England* shall be construed to extend to *Wales* and the Town of *Berwick-upon-Tweed*; and all Powers and Provisions relating to the *British* Isles shall be construed to extend to *Guernsey*, *Jersey*, *Alderney*, *Sark*, and *Man*, and all Isles thereto and to *England* and *Ireland* belonging; and all Powers and Provisions relating to Soldiers shall be construed to extend to Non-commissioned Officers, unless when otherwise provided; and all Powers and Provisions relating to Justices shall be construed to extend to all Magistrates authorized to act as such in their respective Jurisdictions, and to Chief Magistrates of exclusive local Jurisdictions; and all the Powers given to and Regulations made for the Conduct of Constables in relation to the billetting of Officers and Soldiers, and all Penalties and Forfeitures for any Neglect thereof, shall extend to all Tithingmen, Headboroughs, and such like Officers, and High Constables and other Chief Officers and Magistrates of Cities, Towns, Villages, Hamlets, Parishes, and Places in *England* and *Ireland*, who shall act in the Execution of this Act in relation to billetting; and all Provisions for billetting Officers and Soldiers in Victualling Houses shall extend and apply to all Inns, Livery Stables, Alehouses, and to the Houses of Sellers of Wine by Retail, whether *British* or Foreign, to be drank in their own Houses, or Places thereunto belonging, and to all Houses of Persons selling Brandy, Strong Waters, Cider, or Metheglin, by Retail, in *England* and *Ireland*; and in *Ireland*, when there shall not be found sufficient Room in such Houses, then to billetting Soldiers in such Manner as has been heretofore customary; provided that no Officer or Soldier shall be billetted in *England* in any private Houses, or in any Canteen held or occupied under the

Powers and Regulations as to Billets.

Exemptions from Billets.

Authority of the Ordnance Department, or upon Persons who keep Taverns only, being Vintners of the City of *London*, admitted to their Freedom of the said Company in right of Patrimony or Apprenticeship, notwithstanding such Persons who keep such Taverns only have taken out Victualling Licences, nor in the House of any Distiller kept for distilling Brandy and Strong Waters, nor in the House of any Shopkeeper whose principal Dealing shall be more in other Goods and Merchandize than in Brandy and Strong Waters, so as such Distillers and Shopkeepers do not permit Tippling in such Houses, nor in the House of Residence in any Part of the United Kingdom of any Foreign Consul duly accredited as such.

Supply of Carriages.

LVI. And be it enacted, That for the regular Provision of Carriages for His Majesty's Forces, and their Baggage, in their Marches in *England* and *Ireland*, all Justices of the Peace within their several Jurisdictions, being duly required thereunto by an Order from His Majesty, or the General of His Forces, or the Master General or Lieutenant General of His Majesty's Ordnance, if in *England*, or by an Order from the Lord Lieutenant or Chief Governors of *Ireland*, or from the Officer commanding His Majesty's Forces in *Ireland*, or other Person duly authorized in that Behalf, shall, on Production of such Order to such Justices by some Officer or Non-commissioned Officer of the Regiment so ordered to march, issue a Warrant to any Constable having Authority to act in any Place from, through, near, or to which the Troop shall be ordered to march, (for each of which Warrants the Fee of One Shilling only shall be paid,) requiring him to provide the Carriages, Horses, and Oxen, and Drivers therein mentioned, and allowing sufficient Time to do the same, specifying Places from and to which the said Carriages shall travel, and the Number of Miles between the Places, for which Number only so specified Payment shall be demanded, and which Number of Miles shall not, except in Cases of pressing Emergency, exceed a Day's March prescribed in the Order of Route, and shall in no Cases exceed Twenty-five Miles; and the Constables receiving such Warrants shall order such Persons as they shall think proper, having Carriages, to furnish the requisite Supply, who are hereby required to furnish the same accordingly; and when sufficient Carriages cannot be procured within the proper Jurisdiction, any Justice of the next adjoining Jurisdiction shall, by a like Course of proceeding, supply the Deficiency; and in order that the Burthen of providing Carriages may fall equally, and to prevent Inconvenience arising from there being no Justice residing near the Place where Troops may be quartered on the March, any Justice residing nearest to such Place may cause a List to be made out, at least once in every Year, of all Persons liable to furnish such Carriages, and of the Number and Description of their said Carriages, (which Lists shall at all seasonable Hours be open to the Inspection of the said Persons,) and may by Warrant under his Hand authorize the Constables within his Jurisdiction to give Orders to provide Carriages, without any special Warrant for that Purpose, which Orders shall be valid in all respects; and all Orders for such Carriages shall be made from such Lists in regular Rotation, as far as the same can be done.

Rates to be paid, and Mode of proceeding.

LVII. And be it enacted, That the Rates to be paid for Carriages impressed shall be, in *England*, for every Mile which a Waggon with Four or more Horses, or a Wain with Six Oxen, or Four Oxen and Two Horses, shall travel, One Shilling; and for every Mile any Waggon with narrow Wheels, or any Cart with Four Horses, carrying not less than Fifteen Hundred Weight, shall travel, Nine-pence; and for every Mile every other Cart or Carriage with less than Four Horses, and not carrying Fifteen Hundred Weight, shall travel, Sixpence; and in *Ireland*, for every Hundred Weight loaded on any Wheel Carriage, One Halfpenny *per* Mile; and in *England* such further Rates may be added, not exceeding a total Addition *per* Mile of Four-pence, Three-pence, or Two-pence, to the respective Rates of One Shilling, Nine-pence, or Sixpence, as may seem reasonable to the Justices assembled at General Sessions for their respective Districts; and the Order of such Justices at Sessions shall specify the average Price of Hay and Oats at the nearest Market Town at the Time of fixing such additional Rates, the Period for which the Order shall be enforced not exceeding Ten Days beyond the next General Sessions (and no such Order shall be valid unless a Copy thereof, signed by the presiding Magistrate and One other Justice, shall be transmitted to the Secretary at War within Three Days after the making thereof); and also in *England*, when the Day's March shall exceed Fifteen Miles, the Justice granting his Warrant may fix a further reasonable Compensation, not exceeding the usual Rate of Hire fixed by this Act; and when any additional Rates or Compensation shall be granted, the Justice shall insert in his own Hand, in the Warrant, the Amount thereof, and the Date of the Order of Sessions, if fixed by Sessions, and the Warrant shall be given to the Officer commanding, as his Voucher; provided that the Officer or Non-commissioned Officer demanding Carriages by virtue of the Warrant of a Justice shall, in *England*, pay down in hand the proper Sums into the Hands of the Constables providing Carriages, who shall give Receipts for the same on unstamped Paper; and, in *Ireland*, the Officers or Non-commissioned Officers as aforesaid shall pay the Owners or Drivers of the Carriages, and One Third Part of such Payment shall be made before the Carriage be loaded, and all the said Payments in *Ireland* shall be made, if required, in the Presence of a Justice or Constable; provided that no Carriage shall be liable to carry more than Thirty Hundred Weight in *England*, and in *Ireland* no Car shall be liable to carry more than Six Hundred Weight, and no Dray more than Twelve Hundred Weight; but the Owner of such Carriages in *Ireland*, consenting to carry a greater Weight, shall be paid at the same Rate for every Hundred Weight of the said Excess; and the Owners of such Carriages in *Ireland* shall not be compelled to proceed, though with any less Weight, under the Sum of Three-pence a Mile for each Car and Sixpence a Mile for each Dray; and the Loading of such Carriages in *Ireland* shall be first weighed, if required, at the Expence of the Owner of the Carriage, if the same can be done in a reasonable Time, without Hindrance to His Majesty's Service; and the providing and paying for Carriages in *Scotland* shall be regulated by the Law in force at the Time of the Union with *England;* provided that a Cart with One or more Horses, for which the Furnisher shall receive Nine-pence a

Mile, shall be required to carry Fifteen Hundred Weight at the least; provided that no Penalties or Forfeitures in any Act relating to Highways or Turnpike Roads in the United Kingdom shall apply to the Number of Horses and Oxen, or Weight of Loading of the aforesaid Carriages, which shall not on that account be stopped or detained; and whenever it shall be necessary to impress Carriages for the March of Soldiers from *Dublin*, at least Twenty-four Hours Notice of such March, and in case of Emergency as long Notice as the Case will admit, shall be given to the Lord Mayor of *Dublin*, who shall summon a proportionable Number of Cars and Drays, at his Discretion, out of the licensed Cars and Drays and other Cars and Drays within the County of the said City, and they shall by Turns be employed on this Duty, at the Prices and under the Regulations herein-before mentioned; and no Country Cars, Drays, or other Carriages coming to Markets in *Ireland* shall be detained or employed against the Will of the Owners in carrying the Baggage of the Army on any Pretence whatsoever.

Supply of Carriages in Cases of Emergency.

LVIII. And be it enacted, That it shall be lawful for His Majesty, or the Lord Lieutenant or Chief Governors of *Ireland*, by His or their Order, distinctly stating that a Case of Emergency doth exist, signified by the Secretary at War, or, if in *Ireland*, by the Chief Secretary or Under Secretary, or the First Clerk in the Military Department, to authorize any General or Field Officer commanding His Majesty's Forces in any District or Place, or to the Chief Acting Agent for the Supply of Stores and Provisions, by Writing under his Hand, reciting such Order of His Majesty or Lord Lieutenant or Chief Governor aforesaid, to require all Justices within their several Jurisdictions in *England* and *Ireland* to issue their Warrants for the Provision, not only of Waggons, Wains, Carts, and Cars kept by or belonging to any Person, and for any Use whatsoever, but also of Saddle Horses, Coaches, Post Chaises, Chaises, and other Four-wheeled Carriages kept for Hire, and also of Boats, Barges, and other Vessels used for the Transport of any Commodities whatsoever upon any Canal or Navigable River, as shall be mentioned in the said Warrants, therein specifying the Place and Distance to which such Carriages or Vessels shall go; and on the Production of such Requisition to such Justice by any Officer of the Corps ordered to be conveyed, or by any Officer of the Commissariat or Ordnance Department, such Justice shall take all the same Proceedings in regard to such additional Supply so required on the said Emergency as he is by this Act required to take for the ordinary Provision of Carriages; and all Provisions whatsoever of this Act, as regards the procuring of the ordinary Supply of Carriages, and the Duties of Officers and Non-commissioned Officers, Justices, Constables, and Owners of Carriages, in that Behalf, shall be to all Intents and Purposes applicable for the providing and Payment, according to the Rate of Posting or of Hire usually paid for such other Description of Carriages or Vessels so required on Emergency, according to the Length of the Journey or Voyage in each Case, but making no Allowance for Post Horse Duty, or Turnpike, Canal, River, or Lock Tolls, which Duty or Tolls are hereby declared not to be demandable for such Carriages and Vessels while employed in such Service or returning therefrom; and it shall be

be lawful to convey thereon, not only the Baggage, Provisions, and Military Stores of such Regiment or Detachment, but also the Officers, Soldiers, Servants, Women, Children, and other Persons of and belonging to the same.

Justices empowered to reimburse the Constables for Sums expended by them

LIX. And be it enacted, That it shall be lawful for the Justices of the Peace assembled at their Quarter Sessions to direct the Treasurer to pay, without Fee, out of the Public Stock of the County or Riding, or if such Public Stock be insufficient, then out of the Monies which the said Justices shall have Power to raise for that Purpose in like Manner as for County Gaols and Bridges, such reasonable Sums as shall have been expended by the Constables within their respective Jurisdictions for Carriages and Vessels, over and above what was or ought to have been paid by the Officer requiring the same, Regard being had to the Season of the Year and Condition of the Ways by which such Carriages and Vessels are to pass.

Routes in Ireland.

LX. And be it enacted, That it shall be lawful for the Lord Lieutenant or other Chief Governor for the Time being of *Ireland* to depute, by Warrant under his Hand and Seal, some proper Person to sign Routes for the marching of any of His Majesty's Forces in *Ireland*, in the Name of such Lord Lieutenant or Chief Governor.

Tolls.

LXI. And be it enacted, That all His Majesty's Officers and Soldiers, being in proper Staff or Regimental or Military Uniform, Dress or Undress, and their Horses, (but not when passing in any hired or private Vehicle,) and all Carriages and Horses belonging to His Majesty, or employed in His Service, when conveying Persons or Baggage under the Provisions of this Act, or returning therefrom, shall be exempted from Payment of any Duties and Tolls on embarking or disembarking from or upon any Pier, Wharf, Quay, or Landing Place, or passing Turnpike Roads or Bridges, otherwise demandable by virtue of any Act already made or hereafter to be made; and any Toll Collector who shall demand and receive Toll from any of His Majesty's Officers or Soldiers, they being in proper Staff or Regimental or Military Uniform, Dress or Undress, or for their Horses, every such Toll Collector shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence, for which Forfeiture and Penalty he shall be prosecuted before a Justice of the Peace, and in no other Way; provided that nothing herein contained shall exempt any Boats, Barges, or other Vessels employed in conveying the said Persons, Horses, Baggage, or Stores along any Canal, from Payment of Tolls, in like Manner as other Boats, Barges, and Vessels are liable thereto.

Ferries.

LXII. And be it enacted, That when any Soldiers on Service have occasion in their March to pass regular Ferries in *Scotland*, the Officer commanding may at his Option pass over with his Soldiers as Passengers, and shall pay for himself and each Soldier One Half only of the ordinary Rate payable by single Persons, or may hire the Ferry Boat for himself and his Party, debarring others for that Time, and shall in such Cases pay only Half the ordinary Rate for such Boat.

LXIII. And

LXIII. And be it enacted, That if any Constable or other Person, who by virtue of this Act shall be employed in billetting any Officers or Soldiers in any Part of the United Kingdom, shall presume to billet any such Officer or Soldier in any House not within the Meaning of this Act, without the Consent of the Owner or Occupier thereof; or shall neglect or refuse to billet any Officer or Soldier on Duty, when thereunto required, in such Manner as is by this Act directed, provided sufficient Notice be given before the Arrival of such Troops; or shall receive, demand, or agree for any Money or Reward whatsoever, in order to excuse any Person from receiving such Officer or Soldier; or shall quarter any of the Wives, Children, Men or Maid Servants of any Officer or Soldier in any such Houses, against the Consent of the Occupiers; or shall neglect or refuse to execute such Warrants of the Justices as shall be directed to him for providing Carriages, Horses, or Vessels, or shall demand more than the legal Rates for the same; or if any Person appointed by such Constable to provide Carriages, Horses, or Vessels shall do any Act or Thing by which the Execution of such Warrants shall be hindered; or if any Constable shall neglect to deliver in to the Justices at Quarter Sessions Lists of Officers and Soldiers of the Foot Guards quartered according to the Provisions of this Act, or shall cause to be delivered defective Lists of the same; or if any Person, liable by this Act to have any Officer or Soldier quartered upon him, shall refuse to receive and to afford proper Accommodation or Diet in the House of such Person in which he is quartered, and to furnish the several Things directed to be furnished to Officers and Soldiers, or shall neglect or refuse to furnish good and sufficient Stables, together with good and sufficient Hay and Straw for each Horse, at the Rate established by any Act in force in that respect; or if any Innkeeper or Victualler not having good and sufficient Stables shall refuse to pay over to the Person or Persons who may provide Stabling such Allowance by way of Compensation as shall be directed by any Justice of the Peace, or shall pay any Sum or Sums of Money to any Soldier on the March in lieu of furnishing in Kind the Diet and Small Beer to which such Soldier is entitled; such Constable, Victualler, or other Person respectively shall forfeit for every such Offence, Neglect, or Refusal any Sum not exceeding Five Pounds nor less than Forty Shillings.

Penalties upon Civil Subjects offending against the Laws relating to Billets and Carriages.

LXIV. And be it enacted, That if any Military Officer shall take upon himself to quarter Soldiers otherwise than is limited and allowed by this Act, or shall use or offer any Menace or Compulsion to or upon any Mayors, Constables, or other Civil Officers, tending to deter and discourage any of them from performing any Part of their Duty under this Act, or tending to induce any of them to do any thing contrary to their said Duty, such Officer shall for every such Offence (being thereof convicted before any Two or more Justices of the County by the Oath of Two credible Witnesses) be deemed and taken to be *ipso facto* cashiered, and shall be utterly disabled to hold any Military Employment in His Majesty's Service; provided that a Certificate thereof shall be transmitted by the said Justice to the Judge Advocate in *London*, who is hereby required to certify the same to the Commander in Chief and Secretary at War, and that the said Conviction be affirmed at some Quarter Sessions of the Peace of the said

Penalties upon the Military so offending.

County held next after the Expiration of Three Months after such Certificate of the Justice shall have been transmitted as aforesaid; and if any Military Officer shall take, or knowingly suffer to be taken, any Money or Reward of any Person for excusing the quartering of Officers or Soldiers, or shall billet any of the Wives, Children, Men or Maid Servants of any Officer or Soldier in any House, against the Consent of the Occupier, he shall, upon being convicted thereof before a General Court-martial, be cashiered; and if any Officer shall constrain any Carriage to travel beyond the Distance specified in the Justice's Warrant, or shall not discharge the same in due Time for their Return Home on the same Day, if it be practicable, except in the Case of Emergency, for which the Justice shall have given Licence, or shall compel the Driver of any Carriage to take up any Soldier or Servant (except such as are sick) or any Woman to ride therein, except in Cases of Emergency as aforesaid, or shall force any Constable, by threatening Words, to provide Saddle Horses for himself or Servants, or shall force Horses from their Owners, or in *Ireland* shall force the Owner to take any Loading until the same shall be first duly weighed, if the same can be done within a reasonable Time, or shall, contrary to the Will of the Owner or his Servant, permit any Person whatsoever to put any greater Load upon any Carriage than is directed by this Act, shall forfeit for every Offence any Sum not exceeding Five Pounds nor less than Forty Shillings.

Penalty on purchasing Soldiers Necessaries, Stores, &c.

LXV. And be it enacted, That any Person who shall unlawfully have in his or her Possession or Keeping, or who shall knowingly detain, buy, exchange, or receive from any Soldier or Deserter, or any other Person, on any Pretence whatsoever, or shall solicit or entice any Soldier, or shall be employed by any Soldier knowing him to be such, to sell, any Arms, Ammunition, Clothes, or Military Furniture, or any Provisions, or any Sheets or other Articles used in Barracks, provided under Barrack Regulations, or Regimental Necessaries, or any Article of Forage provided for any Horses belonging to His Majesty's Service, or shall change the Colour of any Clothes as aforesaid, shall forfeit for every such Offence any Sum not exceeding Twenty Pounds nor less than Five Pounds, together with Treble Value of all or any of the several Articles of which such Offender shall so become possessed; and if any credible Person shall prove on Oath before a Justice of the Peace a reasonable Cause to suspect that any Person has in his or her Possession, or on his or her Premises, any Property of the Description herein-before described, on or with respect to which any such Offence shall have been committed, the Justice may grant a Warrant to search for such Property, as in the Case of stolen Goods.

Penalty on unlawful recruiting.

LXVI. And be it enacted, That all the Persons (except such Recruiting Parties as may be stationed under Military Command) who shall cause to be advertised, posted, or dispersed Bills for the Purpose of procuring Recruits or Substitutes for the Line, Embodied Militia, or *East India* Company's Service, or shall open or keep any House, Place of Rendezvous, or Office, or receive any Person therein under such Bill or Advertisement, as connected with the Recruiting Service, or shall directly or indirectly interfere therewith, without Permission

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in Writing from the Adjutant General, or from the Directors of the *East India* Company, (as the Case may be,) shall forfeit for every such Offence the Sum of Twenty Pounds.

Penalty on trafficking in Commissions.

LXVII. And be it enacted, That every Person, not being an authorized Army Agent, who shall negociate or act as Agent for and in relation to the Purchase, Sale, or Exchange of any Commission in His Majesty's Forces, shall forfeit for every such Offence the Sum of One hundred Pounds; and every Person, whether authorized or not as an Army Agent, who shall receive any Money or Reward in respect of any such Purchase, Sale, or Exchange, or shall negociate or receive for any Purpose whatsoever any Money or Consideration where no Price is allowed by His Majesty's Regulations, or any Money or Consideration exceeding the Amount so allowed, shall forfeit One hundred Pounds, and Treble the Value of the Consideration where the Commission is not allowed to be sold, or Treble the Excess of such Consideration beyond the regular Price.

Penalty on killing Game.

LXVIII. And for the better Preservation of Game and Fish in or near such Places where any Officers shall at any Time be quartered, be it enacted, That every Officer who shall, without Leave in Writing from the Persons entitled to grant such Leave, take, kill, or destroy any Game or Fish within the United Kingdom of *Great Britain* and *Ireland*, and upon Complaint thereof shall be, upon Oath of One or more credible Witnesses, convicted before any Justice, shall for every such Offence forfeit the Sum of Five Pounds.

Officers not liable to take Parish Apprentices.

LXIX. And be it enacted, That no Officer of His Majesty's Forces residing in Barracks or elsewhere under Military Law shall be deemed liable to have any Parish Poor Child bound Apprentice to him.

Mode of recording a Soldier's Settlement.

LXX. And be it enacted, That any Justice in the United Kingdom, within whose Jurisdiction any Soldier in the Regular Army, or on the permanent Staff of the Militia, having a Wife or Child, shall be billetted, may summon such Soldier before him in the Place where he is billetted, (which Summons he is hereby directed to obey,) and take his Examination in Writing, upon Oath, touching the Place of his last legal Settlement in *England*, and such Justice shall give an attested Copy of such Examination to the Person examined, to be by him delivered to his Commanding Officer, to be produced when required; which said Examination and such attested Copy shall be at any Time admitted in Evidence as to such last legal Settlement before any Justice or at any General or Quarter Sessions, although such Soldier be dead or absent from the Kingdom; provided that in case any Soldier shall be again summoned to make Oath as aforesaid, then, on such Examination or such attested Copy thereof being produced by him or by any other Person on his Behalf, such Soldier shall not be obliged to take any other Oath with regard to his legal Settlement, but shall leave a Copy of such Examination, or a Copy of such attested Copy of Examination, if required.

LXXI. And

Notification to Parishes of good or bad conduct of Soldiers.

LXXI. And be it enacted, That the Churchwardens of every Parish in *England* and *Ireland*, and the Constables or other Officers of every Parish or Place in *Scotland*, on receiving a Notification from the Secretary at War of the Names of any Soldiers belonging to the said Parish who have, for meritorious Conduct in the Army, received His Majesty's special Approbation, or who, in consequence of Misconduct, have been dismissed His Majesty's Service with Disgrace, shall affix such Notification on the Outside of the Door of the Church or Chapel belonging to such Parish or Place on the *Sunday* next succeeding the Receipt of the said Notification.

Wages of a Servant enlisting.

LXXII. And be it enacted, That it shall be lawful for the Justice, before whom any Recruit shall be attested before the Expiration of the Term of Service for which he had been hired by his Master, to adjudge to such Recruit a reasonable Proportion of his Wages for the Time he has actually served; and the said Justice shall make an Order for the Payment of the Amount so awarded, and, in case of Neglect or Refusal to pay the same within Four Days, shall issue his Warrant for levying the same by Distress and Sale of the Goods and Chattels of the Master.

Licences of Canteens.

LXXIII. And be it enacted, That when any Persons shall hold any Canteens under proper Authority of the Board of Ordnance, it shall be lawful for any Two Justices, within their respective Jurisdictions, to grant or transfer any Beer, Wine, or Spirit Licence to such Persons, without regard to Time of Year or to the Notices or Certificates required by any Act in respect of such Licences; and the Commissioners of Excise or their proper Officers, within their respective Districts, shall also grant such Licences as aforesaid; and such Persons so holding Canteens, and having such Licences, may sell therein Victuals and Exciseable Liquors as empowered by such Excise Licence, without being subject to any Penalty or Forfeiture.

Attestation of Accounts.

LXXIV. And be it enacted, That all Muster Rolls and Pay Lists which are required to be verified upon Oath shall be sworn before and attested by any Justice, without Fee or Reward to himself or to his Clerk.

Forms of Actions at Law.

LXXV. And be it enacted, That any Action which shall be brought against any Person for any thing to be done in pursuance of this Act shall be brought within Six Months, and it shall be lawful for every such Person to plead thereunto the General Issue of Not Guilty, and to give all special Matter in Evidence to the Jury which shall try the Issue; and if the Verdict shall be for the Defendant in any such Action, or the Plaintiff therein become Nonsuit, or suffer any Discontinuance thereof, or if, in *Scotland*, such Court shall see fit to assoilzie the Defendant or dismiss the Complaint, the Court in which the said Matter shall be tried shall allow unto the Defendants Treble Costs, for which the said Defendant shall have the like Remedy as in other Cases where Costs by the Laws of this Realm are given to Defendants; and every Action against any Person for any thing to be done in pursuance of this Act, or against any Member

or Minister of a Court-martial, in respect of any Sentence of such Court, or of any thing done by virtue or in pursuance of such Sentence, shall be brought in some of the Courts of Record at *Westminster* or in *Dublin*, or the Court of Session in *Scotland*, and in no other Court whatsoever.

Recovery of Penalties.

LXXVI. And be it enacted, That all Offences for which any Penalties and Forfeitures are by this Act imposed not exceeding Twenty Pounds, over and above any Forfeiture of Value or Treble Value, shall and may be determined, and such Penalties and Forfeitures and Forfeiture of Value or Treble Value recovered, in every Part of the United Kingdom, by One or more Justice or Justices of the Peace, under the Provisions of an Act passed in the Third Year of the Reign of His late Majesty, intituled *An Act to facilitate summary Proceedings before Justices of the Peace and others*, and of another Act, passed in the Fifth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for the more effectual Recovery of Penalties before Justices and Magistrates on Conviction of Offenders, for facilitating the Execution of Warrants by Constables*: Provided always, that in all Cases in which there shall not be sufficient Goods whereon any Penalty or Forfeiture can be levied, the Offender may be committed and imprisoned for any Time not exceeding Six Months; which said recited Acts shall be used and applied, in *Scotland*, for the Recovery of all such Penalties and Forfeitures, as fully, to all Intents, as if the said recited Acts had extended to *Scotland*, any thing in the said recited Acts to the contrary notwithstanding; and all such Offences committed in the *British* Isles, or in any of His Majesty's Dominions beyond the Seas, may be determined, and the Penalties and Forfeitures and Forfeiture of Value or Treble Value recovered, before any Justices of the Peace, or Persons exercising like Authority, according to the Laws of the Part of His Majesty's Dominions in which the Offence shall be committed; and all Penalties and Forfeitures by this Act imposed exceeding Twenty Pounds shall be recovered by Action in some of the Courts of Record at *Westminster* or in *Dublin*, or in the Court of Session in *Scotland*, and in no other Court in the United Kingdom, and may be recovered in the *British* Isles, or in any other Parts of His Majesty's Dominions, in any of the Royal or Superior Courts of such Isles or other Parts of His Majesty's Dominions.

3 G. 4. c. 23.

5 G. 4. c. 18.

Appropriation of Penalties.

LXXVII. And be it enacted, That one Moiety of every Penalty, not including any Treble Value of any Articles, adjudged or recovered under the Provisions of this Act, shall go to the Person who shall inform or sue for the same, and the Remainder of the Penalty, together with the Treble Value of any Articles, or, where the Offence shall be proved by the Person who shall inform, the Whole of the Penalty, shall be paid to the General Agent for the Recruiting Service in *London* or *Dublin*, as the Case may be, to be at the Disposal of the Secretary at War; and every Justice who shall adjudge any Penalty under this Act shall, within Four Days at the farthest, report the same to the Secretary at War.

Administration of Oaths. Perjury.

LXXVIII. And be it enacted, That all Oaths which are authorized and required by this Act may be administered (unless where otherwise provided) by any Justice of the Peace, or Magistrate acting as such; and that any Person taking a false Oath in any Case wherein an Oath is required to be taken by this Act shall be deemed guilty of wilful and corrupt Perjury, and being thereof duly convicted shall be liable to such Pains and Penalties as by any Laws now in force any Persons convicted of wilful and corrupt Perjury are subject and liable to.

Duration of Act.

LXXIX. And be it enacted, That this Act shall be and continue in force within *Great Britain* from the Twenty-fifth Day of *April* One thousand eight hundred and thirty-four inclusive until the Twenty-fifth Day of *April* One thousand eight hundred and thirty-five, and shall be and continue in force within *Ireland*, and in *Jersey*, *Guernsey*, *Alderney*, *Sark*, and *Isle of Man*, and the Islands thereto belonging, from the First Day of *May* One thousand eight hundred and thirty-four inclusive until the First Day of *May* One thousand eight hundred and thirty-five; and shall be and continue in force within the Garrison of *Gibraltar*, the *Mediterranean*, and in *Spain* and *Portugal*, from the First Day of *August* One thousand eight hundred and thirty-four inclusive until the First Day of *August* One thousand eight hundred and thirty-five; and shall be and continue in force in all other Parts of *Europe* where His Majesty's Forces may be serving, and in the *West Indies* and *America*, from the First Day of *September* One thousand eight hundred and thirty-four inclusive to the First Day of *September* One thousand eight hundred and thirty-five; and shall be and continue in force within the *Cape of Good Hope*, the *Isle of France* or *Mauritius* and its Dependencies, *St. Helena*, and the Western Coast of *Africa*, from the First Day of *January* One thousand eight hundred and thirty-five inclusive to the First Day of *January* One thousand eight hundred and thirty-six; and shall be and continue in force in all other Places from the First Day of *February* One thousand eight hundred and thirty-six inclusive to the First Day of *February* One thousand eight hundred and thirty-seven: Provided that this Act shall, from and after the Receipt and Promulgation thereof in General Orders in any Part of His Majesty's Dominions beyond the Seas, become and be in full Force; any thing herein-before contained to the contrary notwithstanding.

Alteration of the Act.

LXXX. And be it enacted, That this Act may be altered, varied, or repealed by any Act or Acts to be passed in this Session of Parliament.

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SCHEDULES to which this Act refers.

FORM of OATHS to be taken by MEMBERS of COURTS-MARTIAL.

YOU shall well and truly try and determine according to the Evidence in the Matter now before you. So help you GOD.

I do swear, That I will duly administer Justice, according to the Rules and Articles for the better Government of His Majesty's Forces, and according to an Act now in force for the Punishment of Mutiny and Desertion, and other Crimes therein mentioned, without Partiality, Favour, or Affection, and if any Doubt shall arise which is not explained by the said Articles or Act, according to my Conscience, the best of my Understanding, and the Custom of War in the like Cases: And I further swear, That I will not divulge the Sentence of the Court until it shall be duly approved; neither will I, upon any Account, at any Time whatsoever, disclose or discover the Vote or Opinion of any particular Member of the Court-martial, unless required to give Evidence thereof as a Witness by a Court of Justice or a Court-martial in due Course of Law. So help me GOD.

FORM of OATH of JUDGE ADVOCATE.

I do swear, That I will not, upon any Account whatsoever, disclose or discover the Vote or Opinion of any particular Member of the Court-martial, unless required to give Evidence thereof as a Witness by a Court of Justice or a Court-martial in a due Course of Law. So help me GOD.

QUESTIONS to be put separately by the JUSTICE to a RECRUIT:

Enlisting for unlimited Service.

1. What is your Name?
2. In what Parish, and in or near what Town, and in what County, were you born?
3. What is your Age?
4. What is your Trade or Calling?
5. Are you an Apprentice?
6. Are you married?

7. Are

7. Are you ruptured or lame; have you ever been subject to Fits; or have you any Disability or Disorder which impedes the free Use of your Limbs, or unfits you for ordinary Labour?
8. Are you willing to be attested to serve in the Regiment of until you shall legally be discharged?
9. On what Day and by whom were you enlisted?
10. For what Bounty did you enlist?
11. Do you now belong to the Militia?
12. Do you belong to any other Regiment, or to the Marines, Ordnance, or Navy?
13. Have you ever served in the Army, Marines, Ordnance, or Navy?

Note.—The Justice is directed, in putting the Eleventh Question to the Recruit, and before he receives his Answer, distinctly to apprize the Recruit that if he belongs to the Militia, and denies the Fact, he is liable to Six Months Imprisonment.

Enlisting for limited Service.

The preceding Questions to be put by the Justice, except Question 8, which is to be as follows:

8. Are you willing to be attested to serve in the Regiment of for the Period of [*this Blank to be filled up by the Justice with Seven Years for Infantry, Ten Years for Cavalry, and Twelve Years for the Artillery, if the Person enlisted is of the Age of Eighteen Years or upwards; but if under the Age of Eighteen Years, then the Difference between his Age and Eighteen to be added to such Seven, Ten, or Twelve Years, as the Case may be,*] Years, provided His Majesty should for so long require your Service, and also for such further Term, not exceeding Six Months, as shall be directed by the Commanding Officer on any Foreign Station, and not exceeding Three Years, as shall be directed by any Proclamation of His Majesty, such additional Period, in the latter Case, to determine whenever Six Months of continued Peace, to be reckoned from the Ratification of any definitive Treaty, shall have elapsed subsequent to the Expiration of the said [Seven, Ten, *or* Twelve, *as the Case may be,*] Years?

Enlisting for either His Majesty's or the East India *Company's Service.*

Question 8 is to be put by the Justice as follows:

8. Are you willing to be attested to serve in His Majesty's Army, or in the Forces of the United Company of Merchants trading to the *East Indies*, according as His Majesty shall think fit to order, until you shall be duly and legally discharged?

Enlisting for the East India *Company's Service.*

Question 8 to be put by the Justice as follows:

8. Are you willing to be attested to serve the United Company of Merchants trading to the *East Indies*, until you shall be legally discharged? [*Or if the Recruit enlists for limited Service then insert*, for the Period of Twelve Years, [*if the Person enlisting is of the Age of Eighteen Years or upwards, but if under Eighteen Years, then the Difference between his Age and Eighteen to be added to such Twelve Years, as the Case may be, and such Period to be inserted instead of Twelve Years,*] provided the said United Company should so long require your Service?

OATH to be taken by a RECRUIT enlisting for unlimited or limited Service.

I do make Oath, That the above Questions have been separately put to me; that the Answers thereto have been read over to me; and that they are the same that I gave, and are true.

I do also make Oath, That I will be faithful and bear true Allegiance to His Majesty, His Heirs and Successors, and that I will, as in Duty bound, honestly and faithfully defend His Majesty, His Heirs and Successors, in Person, Crown, and Dignity, against all Enemies, and will observe and obey all Orders of His Majesty, His Heirs and Successors, and of the Generals and Officers set over me. So help me GOD.

Witness my Hand

_____ Signature of Recruit.

_____ Witness present.

Sworn before me at this
Day of One thousand eight
hundred and

Signature of Justice _____

If enlisting for either His Majesty's or the East India *Company's Service, the following Addition is to be made to the foregoing Oath.*

And that if His Majesty, His Heirs or Successors, shall please to appoint me to serve in the Forces of the United Company of Merchants of *England* trading to the *East Indies*, then I swear, that I will also be true to the said United Company, and will duly observe and obey all their Orders, and the Orders of their Generals and Officers who shall be lawfully set over me.

If enlisting for the East India *Company's Service, the following is to be added to the Oath.*

And that I will also be true to the said United Company, and will duly observe and obey all their Orders, and the Orders of their Generals and Officers who shall be lawfully set over me.

CERTIFICATE to be given by the JUSTICE.

Description of

Age, apparently
Height Feet Inches.
Complexion,
Eyes,
Hair,

Any distinctive Mark.

to wit. } I one of His Majesty's Justices of the Peace of do hereby certify, That the above is the Description of the Recruit and in my Presence all the foregoing Questions were put to the said ; that the Answers written opposite to them are those which he gave to me; and that the First and Second Articles of the Second Section of the Articles of War were read over to him; that he took the Oath of Allegiance and Fidelity; that he received the Sum of on being attested this Day; and that I have given him a Duplicate of this Certificate, signed with my Name.

Signature of the Justice.

FORM of OATH to be taken by a MASTER whose Apprentice has absconded.

I of do make Oath, That I am by Trade a , and that was bound to serve as an Apprentice to me in the said Trade, by Indenture dated the Day of for the Term of Years; and that the said did on or about the Day of abscond and quit my Service without my Consent; and that to the best of my Knowledge and Belief the said is aged about Years. Witness my Hand at the Day of One thousand eight hundred and

Sworn before me at this Day of One thousand eight hundred and }

FORM of JUSTICE'S CERTIFICATE to be given to the MASTER of an Apprentice.

to wit. } I one of His Majesty's Justices of the Peace of certify, That of came before me at the Day of One thousand eight hundred and , and made Oath that he was by Trade a , and that was bound to serve as an Apprentice to him in the said Trade, by Indenture dated the Day of for the Term of Years; and that the said Apprentice did on or about the Day of abscond and quit the Service of the said without his Consent, and that to the best of his Knowledge and Belief the said Apprentice is aged about Years.

FORM of OATH of ATTESTATION of a COMMISSARY'S ACCOUNTS.

I do hereby make Oath, That I have not applied any Money or Stores or Supplies, under my Care or Distribution, to my own Use, or to the private Use of any other Person, by way of Loan to such Person or otherwise, or in any Manner applied them, or knowingly permitted them to be applied, to any other than public Purposes, according to the Duty of my Office.

Sworn before me by the within-named }
this Day of }

Justice of the Peace for the County of , or *Commander in Chief*, or *Second in Command*, et cætera, *the Army serving in* et cætera, [*as the Case may be.*]

DESCRIPTION

DESCRIPTION RETURN of _____ committed to Confinement at _____ on the _____ Day of _____
as a Deserter from the _____ Battalion of the _____ Regiment of _____

Age.	Size.		Complexion.	Colour of		Marks.	Probable Date of Enlistment, and in what District.	Probable Date of Desertion, and from whence.	Name, Occupation, and Address of Person by whom apprehended.	Particulars of the Evidence upon which the Prisoner is committed.	Whether the Prisoner confessed before the Magistrate that he is a Deserter.
	Feet.	Inches.		Hair.	Eyes.						

I do hereby certify, that the Prisoner has been duly examined before me as to the Circumstances herein stated, and has declared in my Presence that he * _____ a Deserter from the before-mentioned Corps.

_____ *Signature and Address of Magistrate.*

_____ *Signature of Prisoner.*

_____ *Signature of Informer.*

* Insert "is" or "is not," as the Case may be.

* I certify that I have inspected the Prisoner, and consider him fit for active Service.

_____ *Signature of Surgeon.*

* If a Military Medical Officer be at or near the Place, he will inspect the Deserter, and report as to his Fitness for Military Service.

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Printers to the King's most Excellent Majesty. 1834.

ANNO QUARTO

GULIELMI IV. REGIS.

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CAP. VII.

An Act to repeal, at the Period within mentioned, so much of an Act passed in the Fifth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to alter certain Rates of Postage, and to amend, explain, and enlarge several Provisions in an Act made in the Ninth Year of the Reign of Queen* Anne, *and in other Acts relating to the Revenue of the Post Office,* as authorizes the taking of certain Rates of Inland Postage within His Majesty's Dominions in *North America.*

[26th *March* 1834.]

WHEREAS by an Act passed in the Fifth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to alter certain Rates of Postage, and to amend, explain, and enlarge several Provisions in an Act made in the Ninth Year of the Reign of Queen* Anne, *and in other Acts relating to the Revenue of the Post Office,* His Majesty's Postmaster General was authorized to take and receive certain Rates of Postage in the said Act specified for the Postage and Conveyance of Letters and Packets within the *British* Dominions in *America:* And whereas the said Rates have been collected in the *British* Colonies and Provinces in 5 G. 3. c. 25.

North America by His Majesty's Postmaster General or his Deputies, and the Surplus thereof, after Payment of the Charges of Collection and Management, have been remitted to the General Post Office in *London*, as Part of the General Revenue of the Post Office: And whereas it is expedient that henceforward the *British* Colonies and Provinces in His Majesty's Dominions in *North America* having local and independent Legislatures should be enabled by the Authority of such Legislatures to levy, for the Inland Postage of Letters and Packets within such Colonies and Provinces, such Rates as to the said Legislatures shall seem meet, and also to make such Regulations for the Management of the Post Office within such respective Provinces and Colonies, by His Majesty's Postmaster General or his Deputies, as to such Legislatures may seem expedient; and that the surplus Revenue arising from the Collection of such Rates should be applied and appropriated for the Use and Benefit of such respective Colonies and Provinces: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after His Majesty's Consent shall in the usual Form be signified by the Governors or Deputy Governors of His Majesty's Colonies or Provinces in *North America* to Bills or Acts of the Legislatures of such respective Colonies or Provinces authorizing the demanding and taking within such respective Colonies or Provinces, by His Majesty's Postmaster General or his Deputy or Deputies, the like Rates of Postage as are authorized to be received and taken by the said recited Act of the Fifth Year of the Reign of His late Majesty King *George* the Third, or such other Rates of Postage as in and by such Bills or Acts respectively may be mentioned and authorized to be received and taken, and for making such Regulations for the Management of the Post Office within such Colonies and Provinces, by His Majesty's Postmaster General or his Deputies, as shall be therein directed, then the said Act passed in the Fifth Year of the Reign of His late Majesty King *George* the Third, so far as the said Act authorizes the Demand and Receipt of any Rates for the Inland Carriage and Conveyance of Letters and Packets within such Colonies or Provinces respectively, shall thenceforth be absolutely repealed, and be no longer of any Effect.

After His Majesty's Consent shall be signified to Acts of the Legislatures of the Provinces of North America, authorizing certain Rates of Postage to be taken therein, the Provisions of the recited Act as to the Collection of Postage within such Provinces shall be repealed.

II. And be it further enacted, That from and after His Majesty's Consent shall be so signified to such Bills or Acts of Colonial or Provincial Legislatures as herein-before mentioned, all the Revenue which may arise from the Collection of the Rates of Inland Postage within the said respective Colonies or Provinces (after deducting the Expences of Collection, and of the Establishment and Management of the Post Office within and throughout the said respective Colonies or Provinces under the Direction of His Majesty's Postmaster General or his Deputies,) shall and may, instead of being remitted as heretofore to the General Post Office in *London*, as Part of the general Revenue of the Post Office, be appropriated, applied, and distributed to and among the said respective Colonies and Provinces in proportion to the gross Amount of the Rates and Duties of Postage which shall be raised, collected, and received within each and every such

Appropriation of Inland Rates of Postage in the North American Provinces.

respective Colonies or Provinces, unless and until the said Colonies or Provinces shall, by Bills or Acts of their respective Legislatures to which His Majesty's Consent shall in the usual Form be signified, unite and agree in directing any other Mode in which such Surplus shall be applied and disposed of.

III. And be it further enacted, That this Act may be altered, varied, or repealed by any Act or Acts to be passed in this present Session of Parliament. Act may be altered.

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ANNO QUARTO

GULIELMI IV. REGIS.

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CAP. VIII.

An Act to amend an Act passed in the last Session, for consolidating and amending the Laws relative to Jurors and Juries in *Ireland*.

[26th *March* 1834.]

WHEREAS by an Act passed in the last Session of Parliament, intituled *An Act for consolidating and amending the Laws relative to Jurors and Juries in* Ireland, it is amongst other Things enacted, that the Justices assembled at every *October* General or Quarter Sessions of the Peace to be holden in each Division of each County at large, and the Justices for and in each County of a City and County of a Town, in *Ireland*, shall, at a Sessions to be holden at *October* in every Year, fix a Place within such Division and within such Counties of Cities and Counties of Towns respectively, and also a Time not less than Two nor more than Three Calendar Months after the First Day of such General or Quarter Sessions, for holding a Special Sessions, for the Purpose of examining the Lists of Jurors in the said Act mentioned, pursuant to the Provisions thereof therein-after contained: And whereas the Periods so prescribed for the holding of such Special Sessions have been found inconvenient, by reason of their approaching so nearly to the End of the current Year as not to leave convenient Time for the making out of the Jurors Book for the next ensuing Year, and it is therefore expedient to alter the same; be it therefore enacted by the King's most Excellent Majesty, by and with the

3 & 4 W. 4. c. 91.

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Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Justices assembled at any *October* General or Quarter Sessions of the Peace to be holden in each Division of each County at large and each County of a City and County of a Town in *Ireland* shall fix a Place within such Cities and Counties of Towns respectively, and also a Time, not less than One Lunar Month nor more than Six Weeks after the First Day of such *October* General or Quarter Sessions, for holding a Special Sessions for the Purpose of examining the List of Jurors, as by the said Act directed; and that the several Provisions and Clauses of the said recited Act relating to the Special Sessions thereby directed to be fixed at the *October* Sessions shall be extended and applied to and be in force with respect to the Special Sessions hereby required to be fixed.

Justices to fix a Place and Time for examining Lists of Jurors.

II. And whereas, in consequence of the Difficulty which in certain Instances has been found to exist since the passing of the said recited Act in making up the List of Jurors before the First Day of *January* in the present Year, the Jurors Book by the said Act prescribed has not been made up in sufficient Time to be delivered to the Sheriff or other proper Officer, so as to be brought into use on the said First Day of *January*, as is by the said recited Act provided, and Jurors have therefore in those Cases been necessarily returned and impannelled in the Mode usually practised before the passing of the said recited Act: And whereas it is expedient to prevent any Doubts with respect to the Validity of such Proceedings; be it therefore declared and enacted, That where, in any County, County of a City, or County of a Town in *Ireland*, the said Jurors Book shall not have been delivered to the Sheriff or other proper Officer before the said First Day of *January* in this present Year, the returning and impannelling of Jurors in like Manner as was used and accustomed before the passing of the said recited Act shall be and be considered to have been lawful, and that all Returns and Panels of Jurors in such Cases heretofore made, or hereafter, until the Completion and Delivery of a proper Jurors Book, to be made, have been, are, and shall, and shall be deemed and taken to be and to have been, to all Intents and Purposes, equally good, valid, regular, effectual, and binding in Law as if the said recited Act had not passed.

Where Jurors Book is not completed, the Return of Jurors according to the Form in use before the recited Act to be deemed lawful.

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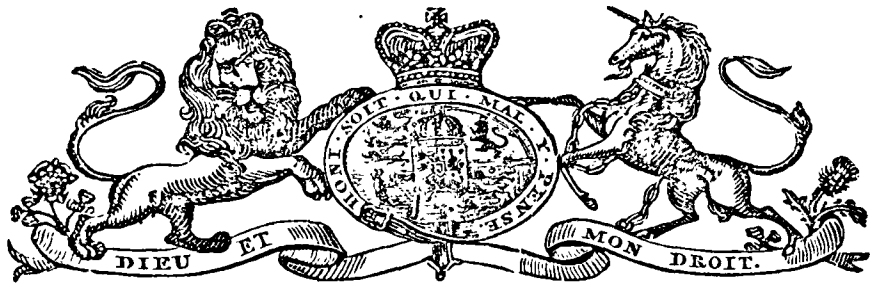

ANNO QUARTO

GULIELMI IV. REGIS.

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CAP. IX.

An Act to indemnify such Persons in the United Kingdom as have omitted to qualify themselves for Offices and Employments, and for extending the Time limited for those Purposes respectively until the Twenty-fifth Day of *March* One thousand eight hundred and thirty-five; to permit such Persons in *Great Britain* as have omitted to make and file Affidavits of the Execution of Indentures of Clerks to Attornies and Solicitors to make and file the same on or before the First Day of *Hilary* Term One thousand eight hundred and thirty-five; and to allow Persons to make and file such Affidavits, although the Persons whom they served shall have neglected to take out their Annual Certificates. [26th *March* 1834.]

WHEREAS divers Persons, who, on account of their Offices, Places, Employments, or Professions, or any other Cause or Occasion, ought to have taken and subscribed the Oaths or Assurance respectively appointed to be by such Persons taken and subscribed in and by an Act made in the First Year of the Reign of His late Majesty King *George* the First,

1 G. 1. st. 2. c. 13. of glorious Memory, intituled *An Act for the further Security of His Majesty's Person and Government, and the Succession of the Crown in the Heirs of the late Princess* Sophia, *being Protestants; and for extinguishing the Hopes of the pretended Prince of* Wales, *and his open and secret Abettors;* or to have qualified themselves according to an Act made in the Thirteenth Year of the Reign of 13 C. 2. st. 2. c. 1. King *Charles* the Second, intituled *An Act for the well-governing and regulating of Corporations;* or to have qualified themselves according to another Act made in the Twenty-fifth Year of the 25 C. 2. st. 2. c. 2. Reign of King *Charles* the Second, intituled *An Act for preventing the Dangers which may happen from Popish Recusants;* or according to another Act made in the Thirtieth Year of the Reign of King 30 C. 2. st 2. *Charles* the Second, intituled *An Act for the more effectual preserving the King's Person and Government, by disabling Papists from sitting in either House of Parliament;* or according to another Act made in the Eighth Year of the Reign of His late Majesty 8 G. 1. c. 6. King *George* the First, intituled *An Act for granting the People called* Quakers *such Forms of Affirmation or Declaration as may remove the Difficulties which many of them lie under;* or according to another Act made in the Ninth Year of the Reign of His late 9 G. 2. c. 26. Majesty King *George* the Second, intituled *An Act for indemnifying Persons who have omitted to qualify themselves for Offices within the Time limited by Law, and for allowing further Time for that Purpose; and for amending so much of an Act passed in the Second Year of the Reign of His present Majesty as requires Persons to qualify themselves for Offices before the End of the next Term or Quarter Sessions, and also for enlarging the Time limited by Law for making and subscribing the Declaration against Transubstantiation; and for allowing a further Time for Enrolment of Deeds and Wills made by Papists; and for Relief of Protestant Purchasers, Devisees, and Lessees;* or according to another Act made in the Eighteenth Year of the Reign of His late Majesty King *George* the Second, intituled 18 G. 2. c. 20. *An Act to amend and render more effectual an Act passed in the Fifth Year of His present Majesty's Reign, intituled 'An Act for the further 'Qualification of Justices of the Peace;'* or according to another Act made in the Sixth Year of the Reign of His late Majesty King *George* 6 G. 3. c. 53. the Third, intituled *An Act for altering the Oath of Abjuration, and the Assurance; and for amending so much of an Act made in the Seventh Year of the Reign of Her late Majesty Queen* Anne, *intituled 'An Act for the Improvement of the Union of the Two Kingdoms,' as after the Time therein limited requires the Delivery of certain Lists and Copies therein mentioned to Persons indicted of High Treason or Misprision of Treason;* or according to another Act passed in the Ninth Year of the Reign of His late Majesty King *George* the 9 G. 4. c. 17. Fourth, intituled *An Act for repealing so much of several Acts as imposes the Necessity of receiving the Sacrament of the Lord's Supper as a Qualification for certain Offices and Employments;* or according to another Act passed in the Tenth Year of the Reign of His said 10 G. 4. c. 7. late Majesty, intituled *An Act for the Relief of His Majesty's Roman Catholic Subjects,* so far only as the said Act relates to any Civil or Military Offices or Places of Trust, or Places of Profit or Corporate Offices; have, through Ignorance of the Law, Absence, or some unavoidable Accident, omitted to take and subscribe

the Oaths and Assurance and make and subscribe the Declaration required by the said recited Acts or either of them, or otherwise to qualify themselves as aforesaid, within such Time and in such Manner as in and by the said Acts respectively is required, whereby they have incurred, or may be in danger of incurring, divers Penalties and Disabilities: For quieting the Minds of His Majesty's Subjects, and for preventing any Inconvenience that might otherwise happen by means of such Omissions, be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all and every Person or Persons who, at or before the passing of this Act, hath or shall have omitted to take and subscribe the Oaths and Declarations, or otherwise to qualify him, her, or themselves, within such Time and in such Manner as in and by the said Acts, or any of them, is required, and who, after accepting any such Office, Place, or Employment, or undertaking any Profession or Thing, on account of which such Qualification ought to have been had and is required, before the passing of this Act hath or have taken and subscribed the said Oaths or made the Declarations required by Law, or who, on or before the Twenty-fifth Day of *March* One thousand eight hundred and thirty-five, shall take and subscribe the Oaths, Declarations, and Assurance respectively, in such Cases wherein by the said several Acts or any or either of them the said Oaths, Declarations, and Assurance ought to have been taken and subscribed, in such Manner and Form, and at or in such Place or Places, as are appointed in and by the said several Acts or any or either of them, shall be and are hereby indemnified, freed, and discharged from and against all Penalties, Forfeitures, Incapacities, and Disabilities incurred or to be incurred for or by reason of any Neglect or Omission, previous to the passing of this Act, of taking or subscribing the said Oaths or Assurance, or making or subscribing the said Declarations respectively, or taking or subscribing the said Oath, according to the above-mentioned Acts or any of them, or any other Act or Acts; and such Person or Persons is and are and shall be fully and actually recapacitated and restored to the same State and Condition as he, she, or they were in before such Neglect or Omission, and shall be and be deemed and adjudged to have duly qualified him, her, or themselves according to the above-mentioned Acts and every of them; and that all Elections of, and Acts done or to be done by any such Person or Persons, or by Authority derived from him, her, or them, are and shall be of the same Force and Validity as the same or any of them would have been if such Person or Persons respectively had taken the said Oaths or Assurance, and made and subscribed the said Declarations respectively, and taken and subscribed the said Oath, according to the Directions of the said Acts and every or any of them; and that the Qualification of such Person or Persons qualifying themselves in manner and within the Time appointed by this Act shall be to all Intents and Purposes as effectual as if such Person or Persons had respectively taken the said Oaths and Assurance, and made and subscribed the said Declarations respectively, and taken and subscribed the said Oath, within the Time

Persons who have omitted to qualify themselves as required by the recited Acts indemnified and allowed further Time.

Time and in the Manner appointed by the several Acts before mentioned.

Indemnity to those who have omitted to make and subscribe the Oaths, &c. required by the Irish Act of 2 Anne.

II. And whereas several Persons well affected to His Majesty's Government, and to the United Church of *England* and *Ireland*, have, through Ignorance of the Law, neglected, or been, by Sickness or other unavoidable Causes, prevented from taking and subscribing the Declaration according to the Directions of an Act passed in the Parliament of *Ireland* in the Second Year of the Reign of Her late Majesty Queen *Anne*, intituled *An Act to prevent the further Growth of Popery;* be it therefore enacted, That all Persons who have incurred any Penalty or Incapacity in the said recited Act mentioned, by neglecting to qualify themselves according to the said Act, shall be and are hereby indemnified, freed, and discharged from all Incapacities, Disabilities, Penalties, and Forfeitures incurred by reason of such Omission or Neglect as aforesaid; and that no Act done by any of them, not yet avoided, shall be questioned or avoided by reason of such Omission or Neglect, but that all such Acts shall be and are hereby declared to be as good and effectual as if such Persons respectively had taken and subscribed the said Oath, and made and repeated, and subscribed the said Declaration, at such Time and Place and Manner as in the said Act is mentioned; any thing in the said Act to the contrary notwithstanding: Provided always, that such Person or Persons do and shall take and subscribe the said Oaths, and make, repeat, and subscribe the said Declaration, in such Manner and Form, and in such Place or Places respectively, as are directed and appointed by the said last-recited Act, on or before the Twenty-fifth Day of *March* One thousand eight hundred and thirty-five.

Not to indemnify Persons against whom final Judgment is given.

III. Provided always, and be it further enacted, That this Act, or any thing herein contained, shall not extend or be construed to extend to indemnify any Person against whom final Judgment shall have been given in any Action of Debt, Bill, Plaint, or Information, in any of His Majesty's Courts of Record, for any Penalty incurred by having neglected to qualify himself within the Time limited by Law.

Not to exempt Justices acting without legal Qualification.

IV. Provided always, and be it further enacted, That nothing contained in this Act shall extend or be construed to extend to exempt any Justice of the Peace within *Great Britain* from the Penalties to which he is subject for acting as such without being possessed of the Qualification required by the Laws now in force.

Admissions to Corporations may be stamped after Time allowed by Law.

V. And whereas the Appointment of divers Clerks of the Peace, Town Clerks, and other Public Officers, and the Admission of divers Members and Officers of Cities, Corporations, and Borough Towns in *Great Britain* and *Ireland*, or the Entries of such Admissions in the Court Books, Rolls, or Records of such Cities, Corporations, and Borough Towns, which by several Acts are directed and required to be stamped, may not have been provided or the same not stamped, or may have been lost or mislaid; be it further enacted, That for the Relief of such Persons whose Appointments and

and Admissions, or the Entries of whose Admissions as aforesaid, may not have been provided, or not duly stamped, or where the same have been lost or mislaid, it shall and may be lawful to and for such Persons in *Great Britain* or *Ireland*, on or before the Twenty-fifth Day of *March* One thousand eight hundred and thirty-five, to provide or cause to be provided Appointments and Admissions, or Entries of Admissions as aforesaid, duly stamped; or in case where such Appointments, Admissions, or Entries of Admissions as aforesaid have been made or provided, but have not been duly stamped, to produce such Appointments, Admissions, or Entries of Admissions as aforesaid to the Commissioners appointed to inspect and manage the Revenues of the Stamp Duties, to be duly stamped, which such Commissioners are hereby authorized and empowered and required to duly stamp, on Payment of Double the Amount of the Duties first payable or to have been paid on such Appointments, Admissions, or Entries as aforesaid, without any other Fine or Forfeiture thereon; and in order to denote the said Duties, the said Commissioners are hereby authorized and empowered to use such Stamps as shall have been heretofore provided to denote any former Duties on stamped Vellum, Parchment, and Paper, or to cause new Stamps to be provided for that Purpose, and to do all other Things necessary for putting this Act in execution, in the like and in as full and ample Manner as they or the major Part of them are authorized to put in execution any former Law concerning stamped Vellum, Parchment, and Paper; and such Persons so providing Appointments, Admissions, or Entries of Admissions as aforesaid, duly stamped, or procuring the same to be duly stamped in manner aforesaid, are and shall be hereby confirmed and qualified to act as Clerk of the Peace, Town Clerk, and other Public Officer, or Member or Members, Officer or Officers of such Cities, Corporations, and Borough Towns respectively, to all Intents and Purposes, and shall and may hold and enjoy and execute such Offices, or any other Office or Offices into which he or they hath or have been elected, notwithstanding his or their Omission, or the Omission of any of their Predecessors in such Cities, Corporations, or Borough Towns as aforesaid, and shall be indemnified and discharged of and from all Incapacities, Disabilities, Forfeitures, Penalties, and Damages by reason of any such Omission; and none of his or their Acts shall be questioned or avoided by reason of the same.

Indemnity to Persons who have paid the Duties on Indentures to serve as Clerks to Attornies, &c., but have neglected to cause Affidavits thereof to be made.

VI. And whereas many Persons who may have paid the proper Stamp Duties, either before or within Six Months after the Execution of the Contracts in Writing entered into by them to serve as Clerks to Attornies or Solicitors, Scriveners, or Notaries Public in *Great Britain*, have omitted to cause Affidavits to be made, and afterward to be filed in the proper Office, of the actual Execution of such Contracts, and have also omitted to cause such Contracts and the Indentures thereof to be enrolled within the Time in which the same ought to have been done; and many Solicitors, Attornies, Notaries Public, and others have omitted to take out Annual Certificates, or to enter the same in the proper Office; and many Infants and others may thereby incur certain Disabilities: For preventing thereof, and relieving such Persons, be it enacted, That every

Person who shall, either before or within Six Months after the Execution of such Contract or Indenture, have paid the proper Stamp Duty in that Behalf, and who at the passing of this Act shall have neglected or omitted to cause any such Affidavit or Affidavits as aforesaid to be made and filed, or such Contract or Indenture to be enrolled, and who, on or before the First Day of *Hilary* Term One thousand eight hundred and thirty-five, shall cause such Contract or Indenture to be enrolled with the proper Officer in that Behalf, and One or more Affidavit or Affidavits to be made, and afterwards to be filed, in such Manner as the same ought to have been made and filed in due Time, shall be and is hereby indemnified, freed, and discharged from and against all Penalties, Forfeitures, Incapacities, and Disabilities in or by any Act or Acts of Parliament mentioned, and incurred or to be incurred for or by reason of such Neglect or Omission; and every such Affidavit and Affidavits so to be made, and which shall be duly filed on or before the First Day of *Hilary* Term One thousand eight hundred and thirty-five, shall be as effectual to all Intents and Purposes as if the same had been made and filed within the respective Times the same ought, by the Laws now in being for that Purpose, to have been made and filed; and that the respective Officer or Officers who ought to receive, file, enter, or register such Contract or Indenture, or Affidavit or Affidavits, shall not refuse to receive, file, enter, or register the same by reason that the Attorney, Solicitor, or Notary Public to whom such Infant or other Person shall have been articled or have contracted to serve, shall have neglected to take out his Annual Certificate, or to register the same, but such Officer or Officers are hereby directed and empowered to receive, file, enter, or register the same, notwithstanding such Omission; and that every Person who shall have regularly served any Attorney or Attornies, Solicitor or Solicitors, Notary Public or Notaries Public, for the Term of Years required by Law, shall not be prevented or disqualified from being admitted an Attorney, Solicitor, or Notary Public, by reason of any Omission of the Person or Persons to whom he served for the same Term, or for any Part thereof, having so neglected to take out his Annual Certificate, or to register the same, provided that such Person is otherwise entitled to be created and admitted to such Office by the Laws now in force relating thereto.

Neglect of Attornies, &c. in taking out their Annual Certificates not to disqualify the Persons who have served them.

VII. Provided always, and be it further enacted, That this Act or any thing herein contained shall not extend or be construed to extend to restore or entitle any Person or Persons to any Office or Employment, Benefice, Matter, or Thing whatsoever, already actually avoided by Judgment of any of His Majesty's Courts of Record, already legally filled up and enjoyed by any other Person; but that such Office or Employment, Benefice, Matter, or Thing, so avoided or legally filled up and enjoyed, shall be and remain in and to the Person or Persons who is or are now or shall at the passing of this Act be legally entitled to the same, as if this Act had never been made.

Not to restore Persons to any Office avoided by Judgment.

VIII. And be it further enacted, That in case any Action, Suit, Bill of Indictment, or Information shall from and after the passing of this Act be brought, carried on, or prosecuted against any Person

General Issue.

or Persons hereby meant or intended to be indemnified, recapacitated, or restored, for or on account of any Forfeiture, Penalty, Incapacity, or Disability whatsoever incurred or to be incurred by any such Neglect or Omission, such Person or Persons may plead the General Issue, and upon their Defence give this Act and the special Matter in Evidence upon any Trial to be had thereupon.

LONDON: Printed by GEORGE EYRE and ANDREW SPOTTISWOODE,
Printers to the King's most Excellent Majesty. 1834.

ANNO QUARTO

GULIELMI IV. REGIS.

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CAP. X.

An Act for continuing until the First Day of *June* One thousand eight hundred and thirty-six the several Acts for regulating the Turnpike Roads in *Great Britain* which will expire with the present or the next Session of Parliament.

[26th *March* 1834.]

WHEREAS it is expedient that the several Acts for making, amending, and repairing the Turnpike Roads in *Great Britain*, which will expire with the present Session or the next Session of Parliament, should be continued for a limited Time: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all and every Act and Acts of Parliament for making, amending, and repairing any Turnpike Roads in *Great Britain*, which will expire with the present or the next Session of Parliament, shall be and the same is and are hereby continued until the First Day of *June* One thousand eight hundred and thirty-six, or if Parliament shall then be sitting, until the End of the then Session of Parliament. Continuation of Acts.

II. And be it further enacted, That nothing in this Act contained shall extend or be construed to extend to an Act passed in the Nothing contained in this Act to extend

to the Acts 52 G. 3. c. 149. the Fifty-second Year of His late Majesty King *George* the Third, intituled *An Act for widening and improving the Street or Road leading from* Tower Hill *to the Street called* Upper East Smithfield, *in the Parish of* Saint Botolph without Aldgate *in the County of* Middlesex; nor to another Act passed in the Fifty-third Year of 53 G. 3. c. 72. His said late Majesty, intituled *An Act for enlarging the Powers of an Act of His present Majesty, for widening and improving* Upper East Smithfield *in the Parish of* Saint Botolph without Aldgate *in the County of* Middlesex; nor to another Act passed in the Fifty-sixth or 56 G. 3. c. xlv. Year of the Reign of His said late Majesty, intituled *An Act for altering, amending, and explaining Two Acts of His present Majesty's Reign, for widening and improving the Street leading from* Tower Hill *to the Street called* Upper East Smithfield, *in the County of* Middlesex.

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ANNO QUARTO

GULIELMI IV. REGIS.

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CAP. XI.

An Act for continuing to His Majesty until the Fifth Day of *July* One thousand eight hundred and thirty-five certain Duties on Offices and Pensions, for the Service of the Year One thousand eight hundred and thirty-four; and to appropriate any Sums arising from the Redemption of the Land Tax. [26th *March* 1834.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal Subjects, the Commons of the United Kingdom of *Great Britain* and *Ireland* in Parliament assembled, towards raising the necessary Supplies to defray Your Majesty's public Expences, have freely and voluntarily resolved to give and grant unto Your Majesty the Duties herein-after mentioned; and therefore do most humbly beseech Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the several and respective Sums of Money charged by virtue of an Act passed in the Thirty-eighth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for granting an Aid to His Majesty by a Land Tax, to be raised in* Great Britain, *for the Service of the Year One thousand seven hundred and ninety-eight*, upon any Person or Persons in respect of any public Office or Employment

The Duties charged upon Offices, Pensions, &c. by 38 G. 3. c. 5. continued till 25 July 1833.

ment of Profit, or any Salaries, gratuitous Bounty Monies, Rewards, Fees, Profits, Perquisites, Advantages, Pensions, Annuities, Stipends, or yearly Payments in the said Act mentioned, and which were by the said recited Act directed, after the Twenty-fifth Day of *March* One thousand seven hundred and ninety-nine, to be ascertained, raised, levied, collected, and paid according to the Directions of any Act or Acts to be passed for that Purpose, and which Sums of Money and Duties last mentioned have been from Time to Time continued by divers Acts, and are now in force until the Twenty-fifth Day of *March* One thousand eight hundred and thirty-four, shall be continued and raised, levied, collected, and paid unto His present Majesty from the said Twenty-fifth Day of *March* One thousand eight hundred and thirty-four until the Fifth Day of *July* One thousand eight hundred and thirty-five.

The several Clauses of 6 G. 4. c. 9. for ascertaining and regulating the Duties extended to this Act.

II. And be it further enacted, That the several Powers and Provisions contained in an Act passed in the Sixth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for continuing to His Majesty for One Year certain Duties on Personal Estates, Offices, and Pensions in* England; *and also for granting certain Duties on Sugar imported; for the Service of the Year One thousand eight hundred and twenty-five*, for the ascertaining, assessing, taxing, regulating, paying, and accounting for the Duties on Offices and Pensions, shall extend and be construed to extend to the Duties on Offices and Pensions hereby granted and continued, except where other Provisions are made by this Act; and that the several Powers and Provisions in the said Act contained, which relate or refer to any Day or Time within or during or before or after the Year commencing from the Twenty-fifth Day of *March* One thousand eight hundred and twenty-five, shall extend and be construed to relate to the like Days and Times within or during or before or after the Year commencing from the Twenty-fifth Day of *March* One thousand eight hundred and thirty-four in like Manner as by the said recited Act is directed with reference to the Year One thousand eight hundred and twenty-five, and as if the several Powers and Provisions in the said recited Act contained were repeated and re-enacted in this present Act.

No Assessment shall be made in respect of the Duties on Pensions, &c. payable out of the Public Revenue, but such Duties shall be charged as heretofore and Monies applicable to the Payment of the Pensions shall be paid less by

III. Provided always, and be it further enacted, That no Assessment shall be made by any Commissioner or Commissioners, Assessor or Assessors of the Land Tax, or otherwise, for or in respect of the several Duties of One Shilling and of Sixpence in the Pound payable to His Majesty under the several Acts in force on Annuities, Pensions, Stipends, Salaries, Wages, Allowances, or other yearly Payments whatever granted and continued by this Act, where the same are payable out of the Public Revenue of the Receipt of the Exchequer or elsewhere in *Great Britain* by any Officer or Officers; but that all and every such Annuities, Pensions, Stipends, Salaries, Wages, Allowances, or other yearly Payments shall and are hereby declared to be charged and assessed to the said Duties respectively to the same annual Amount as heretofore rated, charged, or assessed under any Act or Acts; and all Monies applicable to the Payment of such Annuities, Pensions, Stipends, Salaries, Wages, Allowances, or other

yearly Payments shall be issued, paid, and discharged less by the Amount of the said Duties to all Intents as if the same were continued to be charged by annual Assessment, and hereby authorized to be stopped and deducted as Duties payable to His Majesty, any thing in this Act or any former Act or Acts contained to the contrary notwithstanding: Provided also, that where any Officer who shall be in receipt of any such Annuity, Pension, Stipend, Salary, Wages, Allowance, or other yearly Payment payable at the Exchequer or elsewhere in *Great Britain*, out of the Public Revenue as aforesaid, shall also be in receipt of Perquisites, Fees, Gratuities, Wages, Allowances, or other Profits not so payable, but which are chargeable with the said Duties, it shall be lawful for the Lords Commissioners of the Treasury to authorize such last-mentioned Duties, unless otherwise paid, to be stopped or detained from the Amount of the Salary or other yearly Payment made to any such Officer; and it shall and may be lawful for the said Commissioners of the Treasury, or any Three or more of them, by any Warrant under their Hands, whenever they shall deem the same advisable, to authorize and direct that the Amount of any Annuity, Pension, Stipend, Salary, Wages, Allowances, or other yearly Payments whatever payable out of the Public Revenue in any Branch or Department thereof, and chargeable with any of the said Duties, shall be reduced and paid short by the Amount of the Assessment or Assessments of any of such Duties respectively, as if such Assessments were actually made; and every such Warrant shall be received in discharge of any such Assessment, and as a full Authority for reducing the said annual Payments and paying the same short as aforesaid.

the Amount of such Duties.

Proviso for Salaries payable in part only out of the Public Revenue.

IV. And be it further enacted, That there shall be provided and kept, in the Office of the Auditor of the Receipt of His Majesty's Exchequer at *Westminster*, One Book of Register, in which all the Money that shall be paid into the said Exchequer for the said Rates and Duties hereby granted or continued on Offices and Employments of Profit, Pensions, Annuities, and Stipends, shall be entered and registered apart and distinct from all other Monies paid and payable to His Majesty; and the said Duties shall be carried to and made Part of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*.

A Register to be kept of all Money paid into the Exchequer for the Duties hereby granted.

V. And whereas an Act passed in the Forty-second Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for consolidating the Provisions of the several Acts passed for the Redemption and Sale of the Land Tax into One Act, and for making further Provision for the Redemption and Sale thereof; and for removing Doubts respecting the Right of Persons claiming to vote at Elections for Knights of the Shire and other Members to serve in Parliament, in respect of Messuages, Lands, or Tenements the Land Tax upon which shall have been redeemed or purchased*, whereby it is enacted, that the Sums to be paid by way of Interest on the Contracts for the Redemption of the Land Tax by the Transfer of Stock or Payment of Money by Instalments shall be paid into the Receipt of His Majesty's Exchequer, and shall be applicable to such Uses and Purposes as shall have been or shall be voted by the Commons in Parliament; be it enacted, That after

Sums paid into Exchequer for Interest on Contracts for Repemption of Land Tax, under 42 G.3. c. 116., to be hereafter placed to account of Consolidated Fund.

after the passing of this Act the Sums so paid into the Receipt of His Majesty's Exchequer shall be placed to the Account of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*.

Act may be altered.

VI. And be it enacted, That this Act may be altered, amended, or repealed by any Act or Acts to be passed in this present Session of Parliament.

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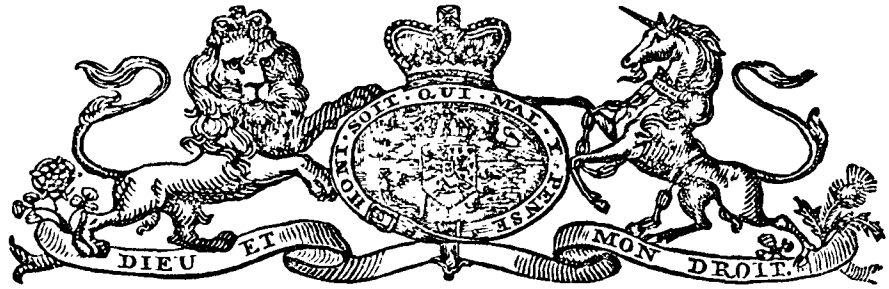

ANNO QUARTO

GULIELMI IV. REGIS.

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The Treasury may cause 7,000,000*l.* of Exchequer Bills to be made out in manner prescribed by 48 G. 3. c. 1.

II. And be it further enacted, That it shall and may be lawful for the Commissioners of His Majesty's Treasury or any Three or more of them for the Time being, from Time to Time, by Warrant under their Hands, to cause or direct any Number of Exchequer Bills to be made out at the Receipt of His Majesty's Exchequer at *Westminster* for any Sum or Sums of Money not exceeding in the whole Seven Millions; and such Exchequer Bills shall be made out in the same or like Manner, Form, and Order, and according to the same or like Rules and Directions, as are directed and prescribed in and by an Act passed in the Forty-eighth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for regulating the issuing and paying off of Exchequer Bills.*

The Clauses, &c. in recited Act extended to this Act.

III. And be it further enacted, That all and every the Clauses, Provisoes, Powers, Privileges, Advantages, Penalties, Forfeitures, and Disabilities contained in the said recited Act passed in the Forty-eighth Year of the Reign of His said late Majesty shall be applied and extended to the Exchequer Bills to be made out in pursuance of this Act, as fully and effectually, to all Intents and Purposes, as if the said several Clauses, Provisoes, Powers, Privileges, Advantages, Penalties, Forfeitures, and Disabilities had been particularly repeated and re-enacted in the Body of this Act.

Interest on Exchequer Bills.

IV. And be it further enacted, That the Exchequer Bills to be made out in pursuance of this Act shall and may bear an Interest not exceeding the Rate of Three-pence Halfpenny *per Centum per Diem* upon or in respect of the whole of the Monies respectively contained therein.

Bills to be placed as so much Cash in the Exchequer;

V. And be it further enacted, That the Commissioners of His Majesty's Treasury for the Time being, or any Three or more of them, shall and they are hereby authorized and empowered to cause such Exchequer Bills as shall be made out in pursuance of this Act to be placed as so much Cash, in the respective Offices of the Tellers of the Receipt of His Majesty's Exchequer at *Westminster*, each and every of which Tellers shall be severally charged with the Proportion of the said Bills which shall be so placed in his Office respectively as so much Cash; any Law or Usage to the contrary notwithstanding.

and may be applied by the Treasury.

VI. And be it further enacted, That the said Exchequer Bills in the Hands of the said Tellers shall be locked up and secured as Cash, according to the Course of the Receipt of the Exchequer at *Westminster*, and shall be taken and esteemed as so much in part of the Remains in Real Money wherewith each of the said Tellers shall from Time to Time stand charged, in common with other the Monies in the said Exchequer, any Law or Usage to the contrary notwithstanding; and it shall be lawful for the said Commissioners of the Treasury to issue and apply the same from Time to Time to such Services as shall then have been voted by the Commons of the United Kingdom of *Great Britain* and *Ireland* in this present Session of Parliament.

Exchequer Bills made chargeable upon the

VII. And be it further enacted, That the Principal Sum or Sums of Money to be contained in all such Exchequer Bills to be made forth by virtue of this Act, together with the Interest that may become

 due

due thereon, shall be and the same are hereby made chargeable and charged upon the growing Produce of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland* in the next succeeding Quarter to that in which the said Exchequer Bills have been issued; and it shall be lawful for the Commissioners of His Majesty's Treasury for the Time being, or any Three or more of them, and they are hereby authorized, from Time to Time, by Warrant under their Hands, to direct the Auditor of the Receipt of the Exchequer at *Westminster*, in such Manner as they shall think necessary, to issue unto such Person or Persons as shall be named in the said Warrant, out of the growing Produce of the said Consolidated Fund of the next succeeding Quarter to that in which the said Exchequer Bills have been issued, any Sum or Sums of Money not exceeding in the whole a Sum sufficient to discharge and pay off the Principal Sum or Sums of Money contained in such Exchequer Bills then outstanding, and which may have been made out and issued by virtue of this Act, together with all such Interest as may be due thereupon.

growing Produce of the Consolidated Fund.

VIII. And be it declared and further enacted, That it shall and may be lawful for the Governor and Company of the Bank of *England*, and they are hereby empowered, to take, accept, and receive the Exchequer Bills authorized to be made out in pursuance of this Act, and to advance or lend to His Majesty, at the Receipt of the Exchequer at *Westminster*, upon the Credit of the Sum granted by this Act out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, any Sum or Sums of Money not exceeding in the whole the Sum of Seven Millions; any thing in an Act passed in the Fifth and Sixth Years of the Reign of King *William* and Queen *Mary*, intituled *An Act for granting to Their Majesties several Rates and Duties upon Tonnage of Ships and Vessels, and upon Beer, Ale, and other Liquors; and for securing certain Recompences and Advantages in the said Act mentioned to such Persons as shall voluntarily advance the Sum of One million five hundred thousand Pounds towards carrying on the War against* France, or any other Act or Acts to the contrary notwithstanding.

Bank of England may advance 7,000,000*l.* on the Credit of this Act, notwithstanding 5 & 6 W. & M. c. 20.

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ANNO QUARTO

GULIELMI IV. REGIS.

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CAP. XIII.

An Act to repeal so much of an Act of the last Session of Parliament, for the Prevention of Smuggling, as authorizes Magistrates to sentence Persons convicted of certain Offences to serve His Majesty in His Naval Service, and to alter and amend the said Act. [22d *May* 1834.]

WHEREAS an Act was passed in the last Session of Parliament, intituled *An Act for the Prevention of Smuggling*: And whereas it is expedient to repeal so much of the said Act as authorizes and requires Justices of the Peace to order Persons convicted of certain Offences therein mentioned to be carried and conveyed on board any of His Majesty's Ships, in order to serve His Majesty in His Naval Service for the Term of Five Years; and to substitute other Provisions in lieu thereof: And whereas it is also expedient to amend certain other Parts of the said Act: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act so much of the said Act as authorizes and requires Justices of the Peace to order Persons convicted of certain Offences therein mentioned to be carried or conveyed on board any of His Majesty's Ships, in order to serve His Majesty in His Naval Service for the Term

3 & 4 W. 4. c. 53.

Power of ordering certain Offenders to be sent into the Naval Service for Five Years,

and of imposing certain Penalties, repealed.

Term of Five Years, and so much of the said Act as imposes certain pecuniary Penalties for any of the Offences herein-after next mentioned, shall be and the same is hereby repealed.

Persons found on board Vessels within prohibited Distances, and having prohibited Lading;

II. And be it further enacted, That every Person, being a Subject of His Majesty, who shall be found or discovered to have been on board any Vessel or Boat liable to Forfeiture under the said or any other Act relating to the Customs for being found or discovered to have been within any of the Distances in the said Act mentioned from the United Kingdom or from the *Isle of Man*, having on board or in any Manner attached thereto, or having had on board or in any Manner attached thereto, or conveying or having conveyed in any Manner, such Goods or Things as subject such Vessel or Boat to Forfeiture, or who shall be found or discovered to have been within any such Distances as aforesaid on board any Vessel or Boat from which any Part of the Cargo or Lading of such Vessel or Boat shall have been thrown overboard, or staved or destroyed, to prevent Seizure; and every Person, not being a Subject of His Majesty, who shall be found or discovered to have been on board any Vessel or Boat liable to Forfeiture for any of the Causes aforesaid, within One League of the United Kingdom or of the *Isle of Man;* and that all Persons who are assembled to the Number of Three or more for the Purpose of unshipping, carrying, conveying, or concealing any Spirits or Tobacco, or any Tea or Silk, (such Tea or Silk being of the Value of Twenty Pounds or more,) liable to Forfeiture under any Act relating to the Customs or Excise; and that every Person who shall by any Means procure or hire, or shall depute or authorize any other to procure or hire, any Person or Persons to assemble for the Purpose of being concerned in the landing or unshipping or carrying or conveying any Goods which are prohibited to be imported, or the Duties for which have not been paid or secured; and that every Person who shall obstruct any Officer or Officers of the Army, Navy, or Marines, being duly employed for the Prevention of Smuggling, and on full Pay, or any Officer or Officers of Customs or Excise, or any Person acting in his or their Aid or Assistance; or duly employed for the Prevention of Smuggling, in the Execution of his or their Duty, or in the due seizing of any Goods liable to Forfeiture by the said Act or any other Act relating to the Customs, or who shall rescue or cause to be rescued any Goods which have been duly seized, or who shall attempt or endeavour to do so, or shall before or at or after any Seizure stave, break, or otherwise destroy any Goods to prevent the Seizure thereof or the securing the same; shall, upon being duly convicted of any of the said Offences before any Two Justices of the Peace, be adjudged by such Justices for the First Offence to be imprisoned in any House of Correction, and there kept to hard Labour, for any Term not less than Six nor greater than Nine Calendar Months; and for the Second Offence, for any Term not less than Nine nor greater than Twelve Calendar Months; and for the Third Offence, or any subsequent Offence, for Twelve Calendar Months.

or assembled to the Number of Three or more to run Spirits, Tea, Tobacco, or Silk;

or procuring others to assemble to run Goods;

or obstructing Officers in the Execution of their Duty;

to be sent to House of Correction to hard Labour, for not less than Six Months for the First Offence, Nine for Second, and Twelve for Third.

Justices of limited Jurisdictions not

III. And be it enacted, That where any Person shall have been convicted of any Offence against this or any other Act relating to

the Customs, for which Offence such Person shall be liable to be committed to hard Labour, and such Conviction shall take place before any Justices of the Peace for any City, Borough, Liberty, Division, Franchise, or Town Corporate not having any House of Correction situate within the same, it shall be lawful for such Justices and they are hereby required, by Warrant under their Hands and Seals, to commit such Offender to any House of Correction near to the Place where such Offender is convicted, there to be kept to hard Labour for such Time as is herein-before provided for a First, Second, and Third Offence respectively; and the Governor or Keeper of such House of Correction is hereby required to receive such Offenders, and to obey the said Warrant in all respects.

having Houses of Correction to commit to some neighbouring House of Correction.

IV. And be it further enacted, That where any Person shall have been convicted before any Two Justices of the Peace of any Offence not being one of those herein-before mentioned, and for which any Penalty shall have been inflicted by the said Act or any other Act relating to the Customs, it shall and may be lawful for the said Justices, if they shall think fit, to order and adjudge that such Person shall, in default of paying the said Penalty, be imprisoned for the First of such Offences in any of His Majesty's Gaols within their Jurisdiction for a Period of not less than Six or more than Nine Calendar Months, and if such Party shall have been before convicted of any Offence against this or any other Act relating to the Customs, to be imprisoned in any House of Correction, and there kept to hard Labour, for any Period not less than Six or more than Twelve Calendar Months.

Justices may order Imprisonment in lieu of Penalty; for First Offence for Six or Nine Months, and for a Second Offence Six or Twelve Months, with hard Labour.

V. And be it further enacted, That where any Person shall have been convicted of any Offence against the said Act or any Act relating to the Customs, for which such Person would be liable to be committed to hard Labour, it shall and may be lawful for the Justices before whom such Person is so convicted, provided such Person is a Female, or provided it appears to such Justices that such Person is from Age or Sickness incapable of hard Labour, to order and adjudge that such Person shall, in lieu of being committed to hard Labour, be imprisoned in any of His Majesty's Gaols within their Jurisdiction for the Length of Time to which such Person would have been liable to be kept to hard Labour: Provided always, that in all such Cases the Cause of Mitigation shall be stated in the Warrant of Commitment.

Justices may commute the Sentence of hard Labour for Imprisonment where the Offender is a Female or is incapable of hard Labour from Age or Sickness.

VI. And be it further enacted, That where any Person shall have been convicted before any Two Justices of the Peace of any Offence against this or any other Act relating to the Customs, for which such Person is liable to be committed to hard Labour, and it shall, at any Time during such Imprisonment, be made appear to the said or any other Two Justices in the Presence of such Person that such Person had been before convicted of any such Offence, it shall be lawful for such Justices and they are hereby required to commit such Offender to some House of Correction, to be kept to hard Labour, for any Period not less than Nine and not greater than Twelve Calendar

Where a Person is liable to be committed to hard Labour, and it appears that he has before been convicted of a similar Offence, the Justices may extend the

Period of Imprisonment.

Calendar Months in the whole from the Date of the first Commitment, and to amend the Warrant of Commitment accordingly.

As to the amended Warrant.

VII. And be it further enacted, That it shall not be necessary in such amended Warrant of Commitment to state or refer to the former Conviction.

Limitation of Power to mitigate Penalties.

VIII. And whereas by the said Act Power is given to Justices of the Peace to mitigate Penalties in certain Cases; be it further enacted, That such Power shall be exercised by such Justices only where the Offender is convicted of a First Offence against the said Act or any other Act relating to the Customs, and not where such Offender is convicted of a Second or other subsequent Offence of that Description.

The Treasury or Commissioners of Customs may release Persons committed under this Act.

IX. And be it further enacted, That it shall and may be lawful for the Commissioners of His Majesty's Treasury, or any Three or more of them, for the Time being, or for the Commissioners of His Majesty's Customs, by any Order made for that Purpose under their Hands, to release from Confinement any Person or Persons committed under this Act, on such Terms and Conditions as to them respectively shall appear to be proper.

As to the Form of Informations and Convictions.

X. And be it further enacted, That all Informations before Justices of the Peace for any Offences committed against this Act, and all Convictions for such Offences, and Warrants of Justices of the Peace founded upon such Convictions, shall be drawn respectively in the Form or to the Effect in the Schedule to this Act annexed.

None of His Majesty's Subjects to hoist in their Vessels the Union Jack or any Pendants, &c. usually worn in His Majesty's Ships and prohibited to be worn by Proclamation of 1st Jan. 1801, under a Penalty of 50*l.*

XI. And whereas His late Majesty King *George* the Third, by His Royal Proclamation bearing Date the First Day of *January* One thousand eight hundred and one, was pleased, with the Advice of His Privy Council, to order and appoint what Ensign or Colours should be borne at Sea by Merchant Ships or Vessels belonging to any of His Majesty's Subjects of the United Kingdom of *Great Britain* and *Ireland*, and of the Dominions thereunto belonging, thereby charging and commanding all His Majesty's Subjects whatsoever that they should not presume to wear in any of their Ships or Vessels His Majesty's Jack, commonly called the Union Jack, nor any Pendants nor any such Colours as are usually worn by His Majesty's Ships, without particular Warrant for their so doing from His Majesty, or His High Admiral of *Great Britain*, or the Commissioners for executing the Office of Lord High Admiral, for the Time being; and also commanding His Majesty's Subjects that without such Warrant as aforesaid they should not presume to wear on board their Ships or Vessels any Flags, Jacks, Pendants, or Colours made in imitation of or resembling those of His Majesty, or any Kind of Pendant whatsoever, or any other Ensign than the Ensign described in the Margin of the said Proclamation: And whereas by an Act of the last Session of Parliament, intituled *An Act for the Prevention of Smuggling*, a Penalty of Fifty Pounds is imposed on every Person who shall wear, carry, or hoist in or on board any Vessel or Boat whatever belonging to any of His Majesty's Subjects, without

3 & 4 W. 4. c. 53.

without particular Warrant for that Purpose, His Majesty's Jack, or any Pendant, Ensign, or Colours as therein mentioned: And whereas it is expedient that all Doubts that may have been entertained as to the Law on this Subject should be removed, and that further Provision should be made for carrying the said Proclamation into effect; be it therefore enacted and declared, That from and after the passing of this Act it shall not be lawful for any of His Majesty's Subjects whomsoever to hoist, carry, or wear in or on board any Ship, Vessel, or Fishing Boat, or any other Vessel or Boat whatever, whether Merchant or otherwise, belonging to any of His Majesty's Subjects, His Majesty's Jack commonly called the Union Jack, or any Pendant or any such Colours as are usually worn by His Majesty's Ships, or any Flag, Jack, Pendant, or Colours whatever made in imitation of or resembling those of His Majesty, or any Kind of Pendant whatsoever, or any Ensign or Colours whatever other than those prescribed by the said Proclamation; and that if any Person or Persons shall nevertheless presume to hoist, carry, or wear in or on board any Ship or Vessel, Fishing Boat, or other Vessel or Boat whatever, belonging to any of His Majesty's Subjects, whether the same be Merchant or otherwise, His Majesty's Jack commonly called the Union Jack, or any Pendant or Colours such as are commonly worn by His Majesty's Ships, or any Jack, Flag, Pendant, or Colours whatever made in imitation of or resembling those of His Majesty, or any Kind of Pendant whatever, without such Warrant as aforesaid, or any other Ensign or Colours than the Ensign or Colours prescribed by the said Proclamation to be worn, then and in every such Case the Master or other Person having Charge of such Ship, Vessel, or Boat, or the Owner or Owners thereof being on board the same, and every other Person so offending, shall for every such Offence forfeit and pay a Sum not exceeding Five hundred Pounds, to be recovered, with Costs of Suit, either in the High Court of Admiralty of *England*, or in any Vice Admiralty Court in His Majesty's Colonies, or in any of His Majesty's Courts of King's Bench or Exchequer at *Westminster* or *Dublin*, at the Suit of His Majesty's Attorney General, or in the Courts of Session or Exchequer in *Scotland* respectively; and that it shall be lawful for any Officer of His Majesty's Navy or Marines belonging to any of His Majesty's Ships, or any Officer of the Customs or Excise, to enter on board any Ship, Vessel, or Boat so hoisting, wearing, or carrying any Jack, Flag, Ensign, Pendant, or Colours prohibited by the said Proclamation and by this Act to be hoisted, worn, or carried, and to seize and take away the same, and the same shall thereupon become forfeited.

XII. And be it further enacted, That this Act may be altered, amended, or repealed by any Act or Acts to be passed in the present Session of Parliament. Act may be altered.

SCHEDULE to which this Act refers.

Form of Information.

County of } BE it remembered, That on the
to wit. } Day of in the Year of our Lord One thousand eight hundred and *A.B.*, Officer of Customs, gives us and Two of His Majesty's Justices of the Peace in and for to understand and be informed, that *C.D.*, on the Day of in the Year of our Lord One thousand eight hundred and [*here state the Offence, as in the Act of Parliament,*] contrary to the Form of the Statute in that Case made and provided.

Form of Conviction.

County of } BE it remembered, That on the Day
to wit. } of in the Year of our Lord One thousand eight hundred and an Information was exhibited by *A.B.*, Officer of Customs, before us and Two of His Majesty's Justices of the Peace in and for against *C. D.*, which said Information charged that the said *C. D.*, on the Day of in the Year of our Lord One thousand eight hundred and [*here state the Offence, as in the Information,*] contrary to the Form of the Statute; which Offence [" has been duly proved before us the said Justices," *or* " the Party has confessed himself to be guilty of," *as the Case may be*]: We do therefore convict the said *C.D.* of the said Offence, and do adjudge that the said *C.D.* [*here insert the Adjudication of the Justices*].

Given under our Hands and Seals the Day of .

Form

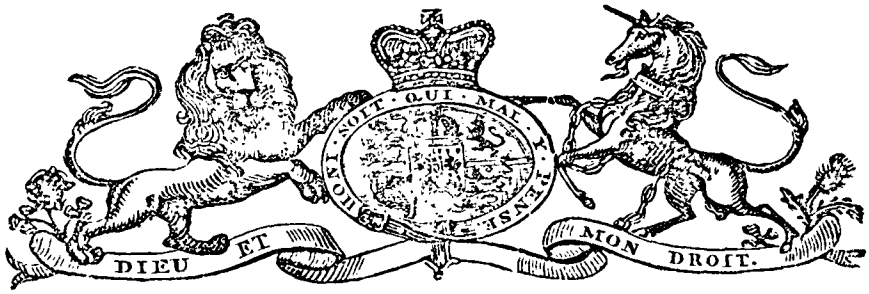
Form of Warrant of Commitment.

County of } To *A.B.*, Officer of Customs, and to *E.F.*, the
to wit. } Gaoler or Keeper of the at
in the

WHEREAS *C.D.* has been duly convicted before us
and Two of His Majesty's Justices of the Peace in
and for of having [*state the Offence, as in the Information*]: And whereas we the said Justices did adjudge that the said *C.D.* should for his said Offence
These are therefore to require you the said *A.B.* forthwith to take, carry, and convey the said *C.D.* to the
at in the
and deliver him into the Custody of the Gaoler or Keeper of the said : And we the said Justices do hereby authorize and require you the said *E.F.*, the Gaoler or Keeper of the said to receive and take the said *C.D.* into your Custody, and to [*insert the Punishment, according to the Conviction*].

Given under our Hands and Seals at the
Day of .

LONDON: Printed by GEORGE EYRE and ANDREW SPOTTISWOODE,
Printers to the King's most Excellent Majesty. 1834.



ANNO QUARTO

GULIELMI IV. REGIS.

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CAP. XIV.

An Act to repeal so much of several Acts as authorizes the issuing any Sums of Money out of the Consolidated Fund for the Encouragement of the raising or dressing Hemp or Flax.

[22d *May* 1834.]

WHEREAS various Sums of Money have been from Time to Time issued under the Provision of several Acts passed in the Tenth, Twenty-first, and Twenty-sixth Years respectively of the Reign of His late Majesty King *George* the Third, for the Encouragement of raising and dressing Hemp and Flax in the United Kingdom: And whereas by an Act passed in the Twenty-seventh Year of the Reign of His said late Majesty, intituled *An Act for repealing the several Duties of Customs and Excise, and granting other Duties in lieu thereof, and for applying the said Duties, together with the other Duties composing the Public Revenue; for permitting the Importation of certain Goods, Wares, and Merchandize, the Produce or Manufacture of the* European *Dominions of the* French *King, into this Kingdom; and for applying certain unclaimed Monies remaining in the Exchequer for the Payment of Annuities on Lives to the Reduction of the National Debt,* it was enacted, that the Sum of Six thousand three hundred and thirty-five Pounds and Fifteen Shillings should at the End of each Year be set apart in the Receipt of His Majesty's Exchequer, out of the Duties of Customs imposed by the said Act, as a Fund 27 G. 3. c. 13.

for the Encouragement of raising and dressing Hemp and Flax, to be applied to such Uses and Purposes and in such Way and Manner as was directed and provided by the before-mentioned Acts of the Tenth, Twenty-first, and Twenty-sixth Years respectively: And whereas it is expedient that no further Sum or Sums of Money should be set apart or applied for such Purpose in future: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act so much of the said recited Act of the Twenty-seventh Year of the Reign of His late Majesty King *George* the Third as is herein-before recited, and so much of any other Act or Acts as authorizes or directs any such Payment to be made, shall be and the same is and are hereby repealed.

So much of recited Act or any other Act as authorizes Money to be set apart for Encouragement of raising Hemp, &c. repealed.

LONDON: Printed by GEORGE EYRE and ANDREW SPOTTISWOODE, Printers to the King's most Excellent Majesty. 1834.

ANNO QUARTO

GULIELMI IV. REGIS.

****

CAP. XV.

An Act to regulate the Office of the Receipt of His Majesty's Exchequer at *Westminster*.

[22d *May* 1834.]

WHEREAS by an Act passed in the Fifty-seventh Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to regulate the Offices of His Majesty's Exchequer in* England *and* Ireland *respectively*, it was declared, that the Offices of Auditor and Tellers of His Majesty's Exchequer in *England* and *Ireland* respectively, and of Clerks of the Pells in *England* and *Ireland* respectively, were Offices with respect to which it was expedient that a more economical Execution of the Duties thereof respectively, after the Termination of the then existing Interests therein, should be adopted; and it was thereby enacted, that from Time to Time thereafter as such respective Offices should become vacant it should be lawful for the Lord High Treasurer of the United Kingdom of *Great Britain* and *Ireland*, or the Commissioners of His Majesty's Treasury, for the Time being, and they were thereby required, to regulate the Duties and Establishments of the Offices so becoming vacant, so that the said Duties should be performed in Person by such fit and proper Persons as the said Commissioners should deem sufficient and necessary, with such Salaries or Emoluments as should be ordered and appointed by the 57 G. 3. c. 84.

the said Commissioners in that Behalf, the said Commissioners laying before Parliament an Account of the new Establishment of the respective Offices so regulated, and all the Regulations above mentioned, with a Statement of the Number of Officers and Amount of Salaries of each respectively, together with a Statement of the former Establishment of the respective Offices so regulated: And whereas, under the Powers vested in the Commissioners of His Majesty's Treasury by the said Act, the Offices of Auditor of the Exchequer and Clerk of the Pells in *Ireland* have been abolished, and certain other Arrangements have been made in the Offices of Teller of the Exchequer in *Ireland* and Clerk of the Pells in *England:* And whereas His Majesty was pleased by His Royal Sign Manual Warrant, bearing Date the Twenty-first Day of *June* One thousand eight hundred and thirty, to appoint certain Commissioners to inquire into the Charges of managing and collecting the Public Revenue, and into the Manner in which the Public Monies were received into, kept in, and issued from the Receipt of His Majesty's Exchequer, and also by His Royal Sign Manual Warrant, bearing Date the Eighth Day of *July* One thousand eight hundred and thirty-one, to appoint certain other Commissioners to inquire and examine into the Practice of the Exchequer with respect to the Receipt and Payment of the Public Money, and the Mode of keeping the Accounts thereof: And whereas by a Report of the said last-mentioned Commissioners made thereupon to the Commissioners of the Treasury, bearing Date the Eighth Day of *October* following, various Arrangements, Alterations, and Improvements in the Constitution of the Court of the Receipt of the Exchequer, and in the Practice and Mode of keeping the Accounts thereof, have been proposed to be adopted: And whereas it is expedient to carry into effect certain of the Regulations proposed in the said Report, and to that end to remodel the Constitution of the Exchequer at *Westminster*, and to effect the Improvements intended, notwithstanding the existing Interests in the several Offices of the Exchequer which have not as yet been determined: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Commencement of this Act, as herein-after mentioned, the several Offices following in the Exchequer at *Westminster* (that is to say), the Offices of Auditor, and of each of the Four Tellers of the Exchequer, and of the Clerk of the Pells, and the several Offices subordinate thereto, be and the same are hereby abolished, and to that end that the several Patents, Warrants, and Authorities under which the same have been and are respectively held shall cease, determine, and become absolutely null and void; and that in lieu of the said several Offices the Constitution and Establishment of the Exchequer shall consist of the following Officers; (that is to say,) a Comptroller General to be designated Comptroller General of the Receipt and Issue of His Majesty's Exchequer, with an annual Salary of Two thousand Pounds; an Assistant Comptroller, a Chief Clerk, and such Number of Clerks and Assistants, with such Salaries, as shall be

Offices of Auditor, Tellers, Clerk of the Pells, and the Offices subordinate thereto, abolished.

New Establishment.

established and regulated from Time to Time by the Commissioners of His Majesty's Treasury.

Appointment of Comptroller.

II. And be it further enacted, That the Office of the said Comptroller shall be granted by Letters Patent under the Great Seal of the United Kingdom of *Great Britain* and *Ireland*, to continue in force during good Behaviour, subject, however, to his Removal therefrom by His Majesty, His Heirs and Successors, on the Address of the Two Houses of Parliament; subject also to the Abolition or Regulation of his Office at any future Time by the Authority of Parliament; and that the Duties, Powers, and Authorities by this Act imposed on or vested in the Comptroller shall and may, in the Event of the Illness or of the occasional and necessary Absence of the said Comptroller from his Office, be executed by such Assistant.

Assistant may act in certain Cases.

Comptroller incapable of holding any other Office.

III. Provided always, and be it further enacted, That the said Comptroller shall not be capable of holding his Office at the same Time or together with any other Office to be held during Pleasure under the Crown, or under any Officer appointed by the Crown.

Powers of Auditor or Clerk of Pells transferred to Comptroller.

IV. And be it further enacted, That all the Powers and Authorities now vested in the Auditor of the Exchequer or Clerk of the Pells, either by Law or Usage, shall, from and after the Commencement of this Act, be transferred to and vested in the said Comptroller, subject to the Provisions of this Act, except only so far as any of such Powers or Authorities are or shall be by this Act controlled, diminished, or varied.

Offices to be performed in Person, &c.

V. And be it further enacted, That the said Comptroller, Assistant Comptroller, Chief and other Clerks shall execute the Duties of their respective Offices in Person; and that the Office of the Exchequer shall be kept open for Public Business, and Attendance shall be given thereat by the said Officers and Clerks, throughout the Year, on all such Days and during the usual Hours in which the Office of His Majesty's Treasury has been accustomed to or shall be kept open.

Treasury to establish Forms of Books, Accounts, Warrants, Instruments, &c.

VI. And be it further enacted, That it shall be lawful for the Commissioners of the Treasury for the Time being from Time to Time, by such Orders and Regulations as they shall see necessary for the Safety, Economy, and Advantage of the Public Service, to establish and direct what Books, Accounts, and Vouchers shall be kept and used in the said Office of Exchequer, and the Forms thereof, as well as the Forms of all Warrants, Specifications, Instruments, and other Documents which for the better carrying into effect the Purposes of this Act it shall be necessary to make use of in either of the said Offices of the Treasury and Exchequer, or in any other Public Office whatsoever; and likewise in what Manner the Applications made to the Treasury for Credits for the Services of the respective Departments of Expenditure shall be examined, approved, and recorded; and also in what Books and in what Manner

Manner the several Instruments required or authorized by this Act shall be entered, recorded, and acted upon; and the Form of Returns to be made by the said Comptroller to the Commissioners of the Treasury, and the Periods for making the same.

Records, &c. relating to the Exchequer to be delivered over to the Comptroller.

VII. And be it further enacted, That on the Eleventh Day of *October* One thousand eight hundred and thirty-four all Books, Records, Deeds, Papers, Documents, and Vouchers whatsoever relating to the Office of the Receipt of the Exchequer, and all the Standard Weights and Measures, and Standard Pieces of Gold, Silver, and Copper, and all other Articles of Public Property, (except Monies and Securities for Money, and such Documents as are by this Act directed to be delivered over to the Commissioners of the Treasury,) which shall then be in the Custody, Power, or Control of the Auditor, Tellers, or Clerk of the Pells of the Exchequer at *Westminster*, or of any of their Officers or Clerks, shall be delivered into the Custody of the said Comptroller, who shall thereupon take charge of the same, and by whom, or whose Assistant, and by the Officers subordinate to him, all such Acts, Matters, and Things relating to the said Standard Weights and Measures, and Standard Pieces of Gold, Silver, and Copper, as have heretofore been or ought to be performed by any of the Officers of His Majesty's Exchequer, shall from thenceforth be performed and executed.

Tellers to pay over to the Bank all Monies, &c. in their Hands.

VIII. And be it further enacted, That on the said Eleventh Day of *October*, and between the Hours of Ten in the Forenoon and Four in the Afternoon, all Monies, whether Out Cash or otherwise, and all Bills, Notes, and Securities for Money, belonging to the Crown, in the Chests or in the Keeping or at the Disposal of the Tellers of His Majesty's Exchequer or of any of the Officers under them, or with which they or any of them shall be charged or chargeable, shall be paid into the Bank of *England* to the Credit of His Majesty's Exchequer, and that an Account shall be thereupon opened by the Governor and Company of the said Bank, to be called "The Account of His Majesty's Exchequer"; and that each of the said Tellers and other Officers of the Exchequer who shall make any such Payment into the said Bank shall at the same Time deliver a Specification or Statement in Writing in Duplicate, signed by himself with his own Name, distinguishing the Particulars of such Payment and showing the Total Amount thereof, to the Cashier of the Bank or other Officer to be appointed in that Behalf, who shall enter the same in a Book to be kept for that Purpose, and sign a Memorandum thereon of such Entry having been so made, and shall transmit one of such Duplicates to the Comptroller of the Exchequer, and also a certified Copy thereof to the Commissioners of the Treasury; and the other of such Duplicates, vouched and signed by the said Cashier or other Officer as aforesaid, shall be returned by him to the Person making the Payment, who shall deposit the same with the said Comptroller of the Exchequer, by whom an Acquittance shall be made out, signed, and delivered to the Party making the Payment, which shall be to such Party a legal and sufficient Discharge with the Auditors of the Public Accounts and all other Persons whomsoever;

soever: Provided always, that the Party making the Payment shall at the same Time transmit to the Comptroller and also to the Commissioners of the Treasury a Statement of the Particulars of such Payments, showing the Sources from which the Money so paid shall have been derived, and the Services to which the same were applicable; and provided also, that such Monies, whether Out Cash or otherwise, so to be paid over by the said Tellers, shall remain chargeable and appropriated to the Services to which any such Monies are now specifically applicable; and that it shall be lawful for the Commissioners of the Treasury to give Authority to the Comptroller of the Exchequer to apply the same accordingly.

All Public Monies hitherto payable into the Exchequer to be paid into the Bank.

IX. And be it further enacted, That upon and from and after the said Eleventh Day of *October* all Public Monies which previous to the Commencement of this Act shall have been payable into His Majesty's Exchequer at *Westminster* shall be paid into the Bank of *England* to the Credit of the Exchequer; and that the Party paying in any such Money, or on whose Account the same shall be paid, shall in like Manner deliver therewith a Specification or Statement of the Particulars thereof in Writing in Duplicate under his Hand, to be previously countersigned by the Comptroller or his Assistant, to the Cashier or Officer of the Bank receiving the Payment, to be by him entered in manner already provided; and one of the said Duplicates, having been vouched and signed by the said Cashier or Officer as aforesaid, shall be returned to the Party making the Payment, in order to his thereupon obtaining from the Comptroller an Acquittance in the Manner herein-before directed with respect to Payments made by the Tellers; and at the Close of each Day on which any Payment shall be made into the Bank on account of the Exchequer there shall be transmitted from thence by the Cashier or other Officer of that Establishment the other of the said Duplicate Specifications (with the Entry thereof marked on each) to the said Comptroller, together with a Statement of the Particulars of all Sums paid into the Bank on that Day; and a Copy of such Statement, certified by the Cashier or other proper Officer, shall at the same Time be transmitted from the Bank to the Commissioners of the Treasury,

Monies paid to the Account of the Exchequer to form One Fund in the Bank Books.

X. And be it further enacted, That all Monies paid into the Bank of *England* on account of the Exchequer shall be treated by the Governor and Company of the said Bank as forming One Fund in their Books; and that all Warrants or Orders to be made by the Comptroller of the Exchequer for Credits to the various Officers to whom Money is to be issued for the Public Service shall be satisfied out of such general Fund: Provided always, that in the Accounts to be kept by the Comptroller of the Exchequer and by the Commissioners of the Treasury, the Receipts, Credits, and Issues shall be placed to the several and respective Accounts to which they shall severally and respectively belong, according to the Enactments of the Act or Acts under the Authority of which the Monies are received and the Credits and Issues directed; and provided also, that, in directing the Transfer of any Credits from the general Account of His Majesty's Exchequer at the Bank of *England*, all the

Provisions of the several Statutes now in force whereby the Appropriation of the Consolidated Fund of *Great Britain* and *Ireland* is authorized and directed shall be strictly observed and followed.

Royal Order for issuing Money to the different Departments of the Public Service.

XI. And be it further enacted, That from and after the Commencement of this Act, whenever any Sum or Sums of Money shall have been granted to His Majesty by any Act of Parliament or Vote of the House of Commons for any specified Branch of the Public Service, and Ways and Means shall likewise have been granted for satisfying and making good the same, it shall be lawful for His Majesty, by His Royal Order under the Royal Sign Manual, to be countersigned by the Commissioners of the Treasury, to authorize and require the said Comptroller to place at the Bank of *England*, to the Credit of the Public Accountant to the Crown in the respective Branch of Service, the Amount of the Sum so granted or voted, at such Times and in such Proportions as the said Commissioners shall from Time to Time direct, to be applied by such Officer to such Service; and that such Royal Order shall contain a Reference to the particular Act or Vote of Parliament, and shall, after having been recorded and entered by the Commissioners of the Treasury in their Books, be transmitted to the said Comptroller to be entered on Record, and to remain in his Office, the said Comptroller having first satisfied himself that the said Order has been made in conformity with and has not exceeded the Amount of the Grant of Parliament.

Treasury Warrant.

XII. And be it further enacted, That it shall be lawful for the Commissioners of the Treasury, by Warrant under their Hands, from Time to Time as they shall see expedient and proper, to authorize and require the said Comptroller to transfer from the general Fund of the Exchequer at the Bank to the Credit of the respective Officers whose Duty it shall be to make Payments on account of the several Public Departments such Sums as shall be requisite for carrying on the respective Services; and every such Warrant shall recite the Substance of the Royal Order upon which it is founded, referring to the Act or Vote therein mentioned, and shall specify the Total Amount of the Monies authorized by such Order to be issued, and the Credits (if any) which have previously been issued on account thereof, and of the Balance still remaining to be issued; and upon the Receipt of every such Warrant at the Office of the said Comptroller the same shall be compared with the Royal Order, and with the preceding Warrants (if any) which shall have been made in pursuance thereof; and the said Comptroller, having satisfied himself that such Warrant has been made in conformity with and has not exceeded in Amount the Royal Order, shall from Time to Time, (in pursuance of Directions to that Effect from the Commissioners of the Treasury,) by a Warrant under his Hand, authorize the Governor and Company of the Bank of *England* to grant Credits on account of the Sum or Sums therein mentioned to the Person or Persons therein described, which Warrant shall be forwarded to the said Governor and Company, who, on the Receipt thereof, shall grant the Credit thereby required.

Exchequer Warrant.

XIII. And

XIII. And be it further enacted, That in all Cases of Grants by Parliament, charged on the Consolidated Fund of the United Kingdom, or upon any Public Monies specially appropriated by any Act or Acts of Parliament to or for any particular Objects or Services, and in all Cases where by any Act or Acts or any other lawful Authority the Auditor of the Exchequer is now required to make and pass Debentures for the Payment of any such Charge or Charges, it shall be lawful for the said Commissioners of the Treasury and they are hereby required, by Warrant under their Hands, without any such Royal Order as aforesaid, from Time to Time to authorize and require the said Comptroller to accredit the several Persons whose Duty it may be to pay such Charges with the Sums requisite for that Purpose; and every such last-mentioned Warrant shall contain a Reference to the Act or Acts of Parliament by which such Sums shall be charged on the said Fund or on such other Public Monies so specifically appropriated; and the said Comptroller, on the Receipt of the said Warrant, having first satisfied himself that the Payments therein directed are duly authorized by Law, shall from Time to Time, in pursuance of Directions to that Effect from the Commissioners of the Treasury, by Warrant in Writing authorize and direct the Governor and Company of the Bank of *England* to grant Credits on account of the Sum or Sums mentioned in the Treasury Warrant to the Officer or Person whose Duty it shall be to make the Payment; and the said Governor and Company, on the Receipt of such Warrant of the Comptroller, shall grant the Credit thereby directed.

Warrants for the Issues of Monies charged on the Consolidated Fund, &c. may be made without Royal Order.

XIV. Provided always, and be it further enacted, That in Cases in which any Credit shall be granted to any Person by the said Governor and Company, in pursuance of this Act, no Sum of Money shall be transferred from the Account of His Majesty's Exchequer until the same shall be actually paid by the Bank to or on account of the Person to whom such Credit shall be granted: Provided always, that nothing in this Act contained shall be construed to alter or affect the Regulations now in force by virtue of any Act or Acts relating to the Payment of the Dividends on account of the Public Debt.

Credits not to be accompanied by actual Transfers.

XV. And whereas it is expedient to provide for the Payment of Salaries, Allowances, and other Charges hitherto payable in detail at the Exchequer; be it therefore further enacted, That from and after the Commencement of this Act all Salaries, Allowances, Incidents, and other Charges now payable in detail at the Exchequer under the Authority of Parliament, or under Royal Sign Manual, or under the Authority of the Commissioners of the Treasury duly authorized by Law to order such Payments, shall be paid by a Paymaster or Officer to be for that Purpose appointed by the Commissioners of the Treasury, with such Number of Clerks and Assistants as the said Commissioners shall deem requisite for carrying on and fully executing the several Duties connected with or incident to such Payments, which Duties shall be performed by the said Paymaster and his Assistants under such Regulations as the said Commissioners shall from Time to Time establish;

Treasury to appoint Officers for paying Salaries, &c.

establish; and that so soon as such Appointment shall have taken place all Papers and Documents relating to such Payments and Duties which shall appear to the Commissioners of the Treasury to be necessary for the proper Discharge of the Duties of the said Paymaster, and which shall then be in the Custody or Power of any of the Officers of the Exchequer, shall be by them delivered over to and remain in the Custody of the said Commissioners of the Treasury.

Books of Comptroller and Paymaster to be deemed of Record.

XVI. And be it further enacted, That the several Books to be kept in the Office of the Comptroller General of the Exchequer and in the Office of the Paymaster to be appointed under the Authority of this Act shall be deemed Books of Record, and shall be received as such, in all Courts of Law and Equity and elsewhere, in Evidence of the Entries therein respectively contained, and of the Debts thereby respectively charged against the several and respective Accountants to the Crown.

Paymaster's Account.

XVII. And be it further enacted, That the said Paymaster's Account shall be kept at the Bank of *England*, and be deemed for all Purposes a Public Account.

Treasury to transmit to the Bank a List of Public Officers required to keep Accounts there.

On Death of any Public Officer, his Account with Exchequer and Bank to vest in his Successor in Office.

XVIII. And be it further enacted, That the Commissioners of the Treasury shall, previously to the Period fixed for the Commencement of this Act, and from Time to Time afterwards as they may think proper, transmit to the Bank of *England* and to the Comptroller of the Exchequer a List of the several Public Officers or Individuals who are required to keep Public Accounts at the Bank of *England*; and that upon the Death, Resignation, or Removal of any such Public Officers or Individuals, the Balance of their Credits on the Exchequer Funds, and also the Balance of Cash on their Public Accounts, in the Books of the Bank, shall, upon the Appointment of their Successors, unless otherwise provided for by Law, vest in and be transferred to the Account of such Successors, and shall not in the Case of the Death of any such Individual constitute Assets of the Deceased, or be in any Manner subject to the Control of his Personal Representative.

As to fractional Parts of a Penny.

XIX. And be it further enacted, That in all Payments to be made and Accounts to be kept under this Act the fractional Parts of One Penny shall be excluded therefrom.

Bank to transmit Statements of Credits and Payments.

XX. And be it further enacted, That the Governor and Company of the Bank of *England* shall and they are hereby required to transmit from Day to Day to the said Comptroller an Account of the several Payments actually made by them in the course of the preceding Day on account of the Credits granted by him; and the said Governor and Company shall likewise weekly transmit to the Commissioners of the Treasury a Statement specifying the Sums of Money paid within the preceding Week to the Drafts or Orders of the several Public Accountants to whom Credits shall have been granted by the said Governor and Company in pursuance of the

Warrants of the said Comptroller, distinguishing the Payments on each Account, and also a Statement of the Balance of Money remaining in the Bank at the Close of each such Week on account of the Exchequer; all which several Statements shall be authenticated by the Signature of One of the Cashiers or other Officer of the Bank to be appointed for that Purpose.

Bills of Exchange, &c. not to be payable at the Bank after Three o'Clock.

XXI. And be it further enacted, That no Bill of Exchange drawn on any Public Officer or Department for the Public Service, and accepted payable at the Bank of *England*, nor any Cheque, Draft, or Order for the Payment of Money drawn by any Person or Accountant authorized to draw for the Public Service, shall from and after the Commencement of this Act be payable at the Bank of *England* at any Time after Three of the Clock in any Day.

Treasury may establish Rules for keeping Accounts of Public Departments.

XXII. And whereas, by reason of the Alterations by this Act directed to be made in the Proceedings and Practice of His Majesty's Exchequer with respect to the Receipt and Issue of the Public Monies, it will be necessary that new Regulations should be prescribed for the Government of the several Receivers General and other Collectors of the Revenue in their Transactions with the Bank of *England*; be it therefore enacted, That it shall be lawful for the Commissioners of the Treasury from Time to Time to establish Rules and Regulations for keeping the Accounts of the several respective Departments of the Revenue with the Bank of *England*, and for the Payment of the Public Monies collected by such Departments to the Account of the Exchequer; which several Rules and Regulations shall be certified by the Commissioners of the Treasury to the Governor and Company of the Bank of *England* and to the several and respective Departments of the Revenue, and shall be of full Force and Authority, and shall be observed by all Bodies and Persons whatsoever in relation to all Matters and Things therein contained; any thing in any Act or Acts to the contrary notwithstanding.

Quarterly Statements to be made by Comptroller to the Commissioners of Audit, and annual Statements to Parliament.

XXIII. And be it further enacted, That from and after the Commencement of this Act the Comptroller of the Exchequer shall, within One Week next after the Termination of each Quarter in every Year, transmit to the Commissioners for auditing the Public Accounts a Statement of all Payments made to the Bank on account of the Exchequer, and of all the Credits for which Warrants shall have been granted by him upon the Bank, during that Quarter, together with a Statement of all Monies drawn by the said Accountants during the course of the Quarter, as certified to him by the Governor and Company of the Bank of *England*; and the said Comptroller shall also cause to be prepared and laid before each House of Parliament, on the Twentieth Day of *April* in every Year, if Parliament shall be then sitting, and if not, then within Seven Days after the next Meeting of Parliament, an Account under his Hand for such preceding Year, ending on the Fifth Day of *April*, showing the Amount of all Monies received during that Period to the Account of His Majesty's Exchequer, and distinguishing the same

under the several and respective Heads of Public Revenue, and showing also the Amount of all Royal Orders and Treasury Warrants received by him, and the Issues made from the Bank on Credits given pursuant thereto, under the respective Heads aforesaid, and stating the Balance of Monies remaining at the Bank to the Account of the Exchequer at the Close of each such Year, which said Account shall be accompanied by a Certificate, under the Hand of the principal Cashier of the Bank of *England*, which such Cashier is hereby required to give, of the Sum which actually remained on the Books of the Bank to the Credit of His Majesty's Exchequer on the said Fifth Day of *April*.

Surplus Revenue to be ascertained by Receipts and Credits at the Bank.

XXIV. And be it further enacted, That the annual Account made up on each Quarter Day, which, by an Act passed in the Tenth Year of the Reign of His late Majesty King *George* the Fourth, the Commissioners of the Treasury are required to cause to be prepared, of the actual Receipt and Expenditure of the United Kingdom, according to the actual Receipt and Issue of Monies at His Majesty's Exchequer, shall, from and after the Commencement of this Act, so far as relates to *Great Britain*, be made out according to the actual Receipt of Money at the Bank on the Account of the Exchequer and of Credits granted thereout by the Warrants of the Comptroller; and the Surplus directed by the said Act to be issued and applied towards the Reduction of the National Debt, being thereby ascertained, shall be issued and applied accordingly in the Manner directed by the said Act.

Fees on Issues for the Public Service abolished.

XXV. And whereas the Practice which has heretofore prevailed of taking or deducting Monies, in the Nature of Fees, upon the Issue of Public Monies to the several Departments, has been found to be attended with Expence and Inconvenience; be it therefore further enacted, That from and after the Commencement of this Act the Fees heretofore charged and taken at the Exchequer upon the Issues of Money to and Receipts of Money from the several Departments of or Accountants to the Crown for the Public Service shall cease and be no longer payable; and that in all Cases in which any Payments made to Individuals at the Exchequer have been heretofore chargeable with Fees or Deductions it shall be lawful for the Commissioners of the Treasury and they are hereby required, from and after the Commencement of this Act, to reduce all such Payments to the several and respective net Amounts heretofore received from the Exchequer by the several and respective Parties.

As to the Preparation of Exchequer Bills.

XXVI. And be it further enacted, That from and after the Commencement of this Act all Exchequer Bills to be thereafter made out under the Authority of any Act of Parliament shall be prepared, made out, and numbered in the Office of the said Comptroller at such Times and in such Form as the Commissioners of the Treasury shall from Time to Time direct; and that the several Regulations in relation to the making out, issuing, and paying off Exchequer Bills which are established by an Act passed in the Forty-eighth

Year of the Reign of His Majesty King *George* the Third, intituled *An Act for regulating the issuing and paying off of Exchequer Bills*, or by any other Act or Acts with respect to the Issue and Application of Exchequer Bills under the Authority of such Acts, shall continue in force, except in so far as the same shall be altered by any of the Provisions of this Act; and that all such Bills shall be signed by the said Comptroller, or in his Name by his Assistant, and shall be issued and applied to the Public Service at such Times and in such Manner as shall be directed by the Commissioners of the Treasury, or in such Manner and upon such Authorities as shall have been specially directed with respect thereto by any Act or Acts now in force, the said Comptroller taking care that such Bills are made and issued according to Law. 48 G. 3. c. 1.

XXVII. And be it further enacted, That a Return, setting forth all Orders and Regulations, and describing all Books and Forms of Accounts and Vouchers, which shall have been ordered and prescribed by the Commissioners of the Treasury, shall be laid before Parliament on or before the Fifth Day of *April* One thousand eight hundred and thirty-five, if Parliament be then sitting, and if not then sitting, within Six Weeks from the Day of the next ensuing Meeting of Parliament. Return of Regulations to be made to Parliament.

XXVIII. And be it further enacted, That if any Person shall forge, counterfeit, or alter, or cause or procure to be forged, counterfeited, or altered, or knowingly and willingly act, aid, or assist in forging, counterfeiting, or altering, any Warrant, Order for Payment, or other Document whatsoever by this Act directed or authorized to be issued or made, or shall utter or publish as true, or knowingly or willingly act, aid, or assist in uttering or publishing as true, knowing the same to be forged, counterfeited, or altered, any such Warrant, Order for Payment, or other Document whatsoever, with Intent to defraud His Majesty, the Governor and Company of the Bank of *England*, or any other Person or Persons, any Person so offending shall be deemed guilty of Felony, and shall upon Conviction be transported beyond the Seas for the Term of his natural Life. Punishing Persons guilty of Forgery.

XXIX. And whereas it is just and reasonable that full Compensation should be made to the several Officers of the Exchequer at *Westminster* who now hold their Offices for Life or during good Behaviour; be it therefore enacted, That there shall be paid to *Henry* Earl *Bathurst* and to *Spencer Perceval* Esquire, Two of the present Tellers of the Exchequer at *Westminster*, respectively, during their respective Lives, by quarterly Payments, the Amount of the annual Salaries to which they are at present respectively entitled by virtue of their respective Offices; and that there shall be paid to the Right Honourable *Henry Ellis*, the present Clerk of the Pells of the Exchequer at *Westminster*, the Tenure of whose Office is during good Behaviour, the annual Sum of One thousand and four hundred Pounds, being the Amount of his present Salary, by quarterly Payments: Provided always, that a proportionate Part of such several Sums shall be paid to the Executors Compensation to Two of the Tellers and to the Clerk of the Pells.

or

or Administrators of the several and respective Parties in the event of the Death of any of them during the course of any Quarter.

Compensation to Marquis Camden.

XXX. And whereas the Most Noble *John Jeffries* Marquis *Camden*, one other of the present Tellers of the Exchequer, hath, in pursuance of a Proposition made by him, and in consideration of the State of the Country, paid in aid of the Public Revenue towards the Exigencies of the State the Surplus of the Fees, Perquisites, and Emoluments of his Office, after abating thereout the necessary Charges and Expences of the Establishment thereof, reserving to himself only the annual Salary of a Teller authorized by an Act passed in the Twenty-third Year of the Reign of His late Majesty King *George* the Third, for establishing certain Regulations in the Receipt of His Majesty's Exchequer; which Contribution has to the present Time amounted to the Sum of Two hundred and forty-four thousand four hundred and seven Pounds Ten Shillings and Eleven-pence: And whereas, in consideration of the said Contribution so made to the Public Service, and of the voluntary Surrender of the Profits and Emoluments accruing to him by Law in right of his Office, it is just and proper that the full Rights and Interests of the said Marquis *Camden* should not be impaired or altered by any thing in this Act contained; be it therefore enacted, That from and after the passing of this Act it shall be lawful for the Commissioners of His Majesty's Treasury to direct the Payment to the said Marquis *Camden*, out of the Consolidated Fund, of such Amount or Sum of Money quarterly and every Quarter as shall be equal to the Amount of the Fees on the several quarterly Issues made from the Exchequer for the Public Service, on which, prior to the passing of this Act, such Fees would have attached and become payable to the said Marquis *Camden*.

Treasury may grant Compensation to the other Officers.

XXXI. And be it further enacted, That it shall be lawful for the Commissioners of His Majesty's Treasury to grant to the several other Persons in the several Offices of the present Establishment of the Exchequer such annual Allowances, by way of Compensation for the Suppression of their respective Offices, as to the said Commissioners shall seem just.

As to Officers who shall be continued in Employment on the Establishment.

XXXII. Provided always, That no such Compensation shall be paid to the present Clerk of the Pells or to any Person holding an Office on the present Establishment of His Majesty's Exchequer, save and except the Two present Tellers of the Exchequer, who shall be appointed to an Office of equal or greater Emolument under the Crown; and that such Compensation shall be reduced if any such Officer, save and except as aforesaid, shall be appointed to an Office of smaller Emolument than that of the Office he previously held, so as that the Salary or Emolument attached to the Office to which he shall be so appointed, together with the Compensation granted to him, shall not exceed the Salary of the Office previously held by him.

XXXIII. And

XXXIII. And be it further enacted, That the Compensations hereby granted or authorized to be granted, and those which are at present charged on the Fee Fund of the Exchequer, amounting to the annual Sum of Eight thousand three hundred and twenty-three Pounds, and the Salary and Allowance to the said Comptroller, shall be charged on the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, and that it shall be lawful for the Commissioners of the Treasury from Time to Time, by their Warrant for that Purpose, to direct the requisite Sums of Money to be credited by the said Comptroller to the Paymaster or other Officer to be appointed for Payment of such Compensations and Salary.

Compensations, Salary, &c. charged on the Consolidated Fund.

XXXIV. And be it further enacted, That all Powers given to or vested in the Commissioners of the Treasury by this Act may be executed by any Three of such Commissioners for the Time being; and that all Enactments, Matters, and Things herein contained relating to Public Monies shall extend and be construed to extend to all Bills, Drafts, and Notes as Securities for Money received to the Use of the Public.

Powers hereby given to the Treasury may be executed by any Three Commissioners.

XXXV. And be it further enacted, That nothing in this Act contained or authorized to be done shall extend to destroy or affect the Validity of any Deeds, Powers of Attorney, or other Instruments which at the Commencement of this Act shall be in force with respect to any Monies theretofore receivable at the Exchequer under the Authority of the same, but that all such Deeds, Powers of Attorney, and other Instruments shall continue of like Validity with respect to any such Payments to be thereafter made by the Paymaster to be appointed under the Authority of this Act.

Deeds, Powers of Attorney, &c. not to be affected.

XXXVI. And be it further enacted, That this Act shall commence and take effect on and from the Eleventh Day of *October* One thousand eight hundred and thirty-four; and that from and after the Commencement thereof an Act of the Eighth and Ninth Years of the Reign of King *William* the Third, for the better Observation of the Course anciently used in the Receipt of the Exchequer; and also an Act passed in the Sixth Year of the Reign of King *George* the Second, for obviating a Doubt which might arise upon an Act made in the Fourth Year of His said Majesty's Reign, as therein recited; and so much of an Act passed in the Twenty-third Year of the Reign of His late Majesty King *George* the Third, for establishing certain Regulations in the Receipt of His Majesty's Exchequer, as relates to the Use of an indented Cheque Receipt to be made out by the Auditor, and as requires the Custody of One of the Keys to the Tellers Chests, the Standard Weights and Measures, and the Standard Pieces of Gold and Silver, to be committed to the Auditor; and so much of an Act of the Thirty-ninth and Fortieth Years of His said Majesty King *George* the Third, for more effectually charging Public Accountants with the Payment of Interest, and for other Purposes therein mentioned, as requires the Commissioners for auditing the Public Accounts to transmit a

Commencement of Act.

Repeal of 8 & 9 W. 3. c. 28.

6 G. 2. c. 6.

Part of 23 G. 3. c. 82.

Part of 39 & 40 G. 3. c. 54.

certain Account to the Auditor of the Exchequer, and requires the Auditor to transmit to the said Commissioners quarterly Accounts of Monies paid into the Exchequer; and an Act passed in the Forty-sixth Year of the Reign of His said Majesty King *George* the Third, to empower the Auditor of the Exchequer to constitute a Trustee for the Execution of the said Office in the Case therein mentioned; and so much of an Act of the First and Second Years of the Reign of His late Majesty King *George* the Fourth, for altering and abolishing certain Forms of Proceedings in the Exchequer and Audit Office relative to Public Accounts, and for other Purposes therein mentioned, as requires the Transmission of General Imprest Rolls to the Office of His Majesty's Remembrancer, and as relates to Imprest Certificates; and so much of the Provisions of any Act or Acts of Parliament relating to the Office of the Receipt of His Majesty's Exchequer as are altered by this Act; shall be and the same are hereby repealed.

46 G. 3. c. 1.

Part of 1 & 2 G. 4. c. 121.

Act may be altered this Session.

XXXVII. And be it enacted, That this Act may be amended, altered, or repealed by any Act or Acts to be passed in this present Session of Parliament.

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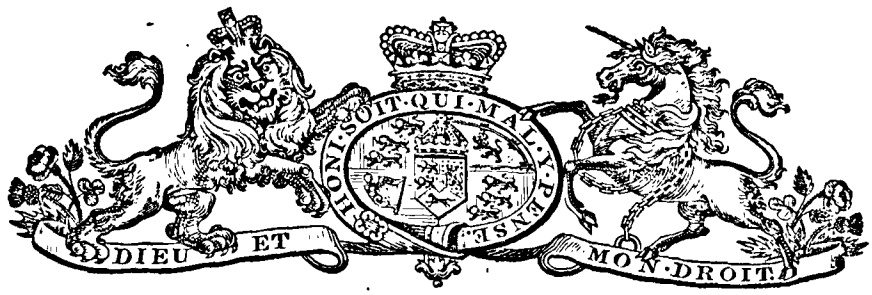

ANNO QUARTO

GULIELMI IV. REGIS.

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the said Commissioners, and audited in the same Manner as the other Revenues under their Management: And whereas by the said Acts a great Part of the Business of the Office of Recorder of the Great Roll or Clerk of the Pipe in *Scotland* has been transferred, together with the auditing the Accounts, to Offices in *England:* And whereas *John Archibald Murray* Esquire, the present Recorder of the Great Roll or Clerk of the Pipe in *Scotland*, who has a Life Interest therein, has signified his Desire to surrender his Interest in the said Office without Compensation: And whereas it is expedient that the said Office should be abolished, and other Provisions made for the Discharge of the Duties thereof: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the First Day of *January* One thousand eight hundred and thirty-five the Office of Recorder of the Great Roll or Clerk of the Pipe in the Exchequer in *Scotland* shall cease and determine, together with all Salary, Fees, or other Emoluments theretofore receivable in respect thereof.

Office of Recorder of the Great Roll or Clerk of the Pipe abolished.

II. And be it further enacted, That the Powers and Authorities now vested by Law in the Recorder of the Great Roll or Clerk of the Pipe in *Scotland* shall, from and after the Fifth Day of *January* One thousand eight hundred and thirty-five, be transferred and be vested in the Lord Treasurer's Remembrancer of the Exchequer of *Scotland* for the Time being, who is hereby required, from and upon that Day, to perform all such Duties as are now performed by the Recorder of the Great Roll or Clerk of the Pipe.

Powers of Recorder of the Great Roll vested in Lord Treasurer's Remembrancer.

III. And be it further enacted, That all Public Accounts, Records, and other Documents now belonging to the Record of the Great Roll shall, on the Sixth Day of *January* One thousand eight hundred and thirty-five, be delivered over to and placed under the Custody of the Lord Treasurer's Remembrancer in *Scotland.*

Custody of Records, &c. belonging to Great Roll.

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CAP. XVII.

An Act to indemnify Witnesses who may give Evidence before the Lords Spiritual and Temporal on a Bill for preventing Bribery and Corruption and illegal Practices in the Election of Members to serve in Parliament for the Borough of *Warwick*. [22d *May* 1834.]

WHEREAS the Commons of *Great Britain* and *Ireland* in Parliament assembled have passed a Bill, intituled *An Act for preventing Bribery and Corruption and illegal Practices in the Election of Members to serve in Parliament for the Borough of* Warwick: And whereas it is alleged that gross Bribery and Treating, and other corrupt and unconstitutional Practices, have prevailed previously to, and at, and during the last Election of Members to serve in Parliament for the Borough of *Warwick*: And whereas it is necessary to examine as Witnesses at the Bar of the Lords Spiritual and Temporal, in respect of such alleged Bribery, Treating, and other corrupt and unconstitutional Practices, several Persons: And whereas the Evidence of such Persons may lead to Disclosures tending to expose them to penal Consequences: And whereas it is expedient to indemnify such Persons as they are herein-after indemnified, upon their truly and faithfully making such Disclosure and Discovery as herein-after mentioned: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Com-

mons, in this present Parliament assembled, and by the Authority of the same, That, for the more effectually prosecuting the said Inquiry, all and every Person and Persons, except the Candidates or a Candidate for the said Borough at the last Election, and the Petitioners *William Collins* and *William Enoch* junior, and also the Petitioners *George Cattell Greenway* and *Henry Robbins*, who may or hath been or may have been implicated or engaged in such alleged Bribery and Treating and other corrupt and unconstitutional Practices at or connected with any Election of Members to serve in Parliament for the said Borough of *Warwick*, and who shall have been or shall be examined as Witnesses or a Witness at the Bar of the Lords Spiritual and Temporal touching such alleged Bribery and Treating and other corrupt and unconstitutional Practices, and who shall upon such Examination make a true and faithful Discovery and Disclosure to the best of his, her, or their Knowledge, touching all Acts, Matters, and Things to which he, she, or they shall have been or shall be so examined, shall be, and he, she, and they is and are hereby freed, indemnified, and discharged of, from, and against all penal Actions, Forfeitures, Punishments, Disabilities, and Incapacities, and all criminal Prosecutions, which he, she, or they may have been or may become liable or subject to, or which he, she, or they may have incurred or may incur, at the Suit of His Majesty, His Heirs or Successors, or any other Person or Persons, for or by reason or means of or in relation to any Act, Matter, or Thing done or committed by such Person or Persons in respect of such alleged Bribery and Treating and other corrupt and unconstitutional Practices, respecting or concerning which such Person or Persons shall be so examined as aforesaid, and shall make such true and faithful Discovery and Disclosure as aforesaid.

All Persons except Candidates and Petitioners, who may be examined by the House of Lords respecting any alleged Bribery at Elections at Warwick, indemnified from penal Actions for any Disclosures they may make touching such Elections.

II. Provided always, and be it further enacted, That where any Witness shall have been or shall be examined before the House of Lords, such Witness shall not be indemnified under this Act unless he or she shall receive from the Lord Chancellor or Lord Speaker a Certificate in Writing stating that such Witness has, upon his or her Examination, made a true and faithful Disclosure touching all Acts and Matters to which he or she has been so examined.

No Witness indemnified without Certificate from Lord Chancellor that he has given true Evidence.

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ANNO QUARTO

GULIELMI IV. REGIS.

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CAP. XVIII.

An Act to indemnify Witnesses who may give Evidence before the Lords Spiritual and Temporal on a Bill to exclude the Freemen of *Liverpool* from voting at the Election of Members of Parliament for that Borough.

[22d *May* 1834.]

WHEREAS the Commons of *Great Britain* and *Ireland* in Parliament assembled have passed a Bill, intituled *An Act to exclude the Freemen of* Liverpool *from voting at the Election of Members of Parliament for that Borough:* And whereas it is alleged that gross and notorious Bribery and Corruption have been proved to have long prevailed amongst the said Freemen at Elections of Members to serve in Parliament: And whereas it is necessary to examine as Witnesses at the Bar of the Lords Spiritual and Temporal, in respect of such alleged Bribery and Corruption, several Persons: And whereas the Evidence of such Persons may lead to Disclosures tending to expose them to penal Consequences: And whereas it is expedient to indemnify such Persons as they are herein-after indemnified, upon their truly and faithfully making such Disclosure and Discovery as herein-after mentioned: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority

All Persons, except Candidates, who may be examined by the House of Lords respecting any alleged Bribery at Elections at Liverpool, indemnified from penal Actions for any Disclosures they may make touching such Elections.

of the same, That, for the more effectually prosecuting the said Inquiry, all and every Person and Persons, not having been Candidates or a Candidate for the said Borough at the last Election, who may or hath been or may have been implicated or engaged in such alleged Bribery and Corruption at or connected with any Election of Members to serve in Parliament for the said Borough of *Liverpool*, and who shall be examined as Witnesses or a Witness at the Bar of the Lords Spiritual and Temporal, touching such alleged Bribery and Corruption, and who shall upon such Examination make a true and faithful Discovery and Disclosure to the best of his, her, or their Knowledge, touching all Acts, Matters, and Things to which he, she, or they shall be so examined, shall be, and he, she, and they is and are hereby freed, indemnified, and discharged of, from, and against all penal Actions, Forfeitures, Punishments, Disabilities, and Incapacities, and all criminal Prosecutions which he, she, or they may have been or may become liable or subject to, or which he, she, or they may have incurred or may incur, at the Suit of His Majesty, His Heirs or Successors, or any other Person or Persons, for or by reason or means of or in relation to any Act, Matter, or Thing done or committed by such Person or Persons in respect of such alleged Bribery and Corruption, respecting or concerning which such Person or Persons shall be so examined as aforesaid, and shall make such true and faithful Discovery and Disclosure as aforesaid.

No Witness indemnified without Certificate from Lord Chancellor that he has given true Evidence.

II. Provided always, and be it further enacted, That where any Witness shall be examined before the House of Lords, such Witness shall not be indemnified under this Act unless he or she shall receive from the Lord Chancellor or Lord Speaker a Certificate in Writing stating that such Witness has, upon his or her Examination, made a true and faithful Disclosure touching all Acts and Matters to which he or she has been so examined.

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Duties on Inhabited Houses under 3 & 4 W. 4. c. 39. repealed from 5th April 1834.

Authority of the same, That from and after the Fifth Day of *April* One thousand eight hundred and thirty-four the said Duties so as aforesaid granted and made payable on Inhabited Dwelling Houses, and all Compositions in lieu of the said Duties, shall cease and determine, and the same are hereby repealed, so far as relates to any Assessment of the Duties of Assessed Taxes, or of Compositions in lieu thereof, to be made for any Year commencing from or after the said Fifth Day of *April* One thousand eight hundred and thirty-four.

Commissioners of Assessed Taxes to reduce Compositions which include the above-mentioned Duties;

II. And be it enacted, That where any Contract of Composition now in force for any of the Duties of Assessed Taxes doth include the Duty on any Inhabited Dwelling House or Dwelling Houses repealed by this Act, it shall be lawful for the Commissioners acting in the Execution of the several Acts relating to the said Duties, in their respective Districts, and they are hereby authorized and required, to cause the Amount of the Composition payable under such Contract, and the Assessments and Duplicates relating thereto, for any Year commencing as aforesaid, to be reduced to the Extent of the said Duty hereby repealed and of the additional Duty payable thereon by virtue of such Contract, and such Reduction shall commence and take effect from and after the said Fifth Day of *April* One thousand eight hundred and thirty-four; and all such Contracts shall be of the same Force and Effect for the Recovery and enforcing Payment of the reduced Instalments of Composition, to all Intents and Purposes, as if the full Amount of the Instalments compounded for had continued payable on such Contracts.

Reduction to take effect from same Date.

Qualifications conferred by Payment of said Duties to remain with the Occupiers of Houses of the Rent or Value specified in recited Acts.

III. And be it enacted, That where under or by virtue of any Act or Acts in force, in order to qualify or entitle any Person to vote at the Election of any Commissioner or Commissioners, or as a Qualification for any other Purpose, it is required that such Person shall occupy a Dwelling House assessed to the said Duties on Inhabited Dwelling Houses at a certain Rent or Value, it shall be sufficient to entitle any such Person to vote on any such Occasion, and it shall be deemed to be a sufficient Qualification, or for any such Purpose as aforesaid, if such Person shall occupy a Dwelling House which shall be *bonâ fide* of the Rent or Value specified or required in or by any such Act or Acts as aforesaid, without reference to any Assessment of the said Duties hereby repealed, provided such Person shall be in other respects duly qualified for any such Purpose as aforesaid; and in case of Dispute such Rent or Value shall be ascertained and determined according to the Rules and Directions contained in the said Schedule (B.) annexed to the said recited Act of the Forty-eighth Year of King *George* the Third.

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large Fresh Cod, Half Fresh Cod, Haddock, Scate, Fresh Ling, Soles, or Whitings shall at any Time after the Arrival thereof at the *Nore*, as therein mentioned, be unloaded or delivered out of any Fishing Ship, Sloop, Smack, or other Fishing Vessel or Vessels, unless by Retail, into any other Vessel or Boat after her Arrival at the *Nore*, but into such Vessel or Vessels, Boat or Boats, as shall be employed to carry the Fish directly to the Market of *Billingsgate* or *Westminster*: And whereas Doubts have arisen whether the Words of the said Act may not operate to prevent the bringing of Fish to any Market of *London* or *Westminster* which was not in existence or use as a Public Market at the Time of the passing of the said Act, although the Object of the Legislature was to secure a Supply of fresh Fish to the Cities of *London* and *Westminster*, and to prevent the forestalling of the same: And whereas it is expedient to remove such Doubts, and to facilitate the Conveyance of fresh Fish to the legal Markets of the Metropolis: Be it therefore declared and enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That nothing in the said recited Act contained shall extend or be construed to extend to prevent any Person from unloading or discharging from any Fishing Ship, Sloop, Smack, or other Fishing Vessel or Vessels any Salmon, Salmon Trout, Turbot, large Fresh Cod, Half Fresh Cod, Haddock, Scate, Fresh Ling, Soles, Whitings, or other Fish which may arrive at the *Nore*, or from putting the same into any other Vessel or Vessels, Boat or Boats, for the Purpose of bringing the same for Sale by First Hand at any Fish Market or Markets legally established within the Cities of *London* and *Westminster*, but that every Person shall be at liberty to unload or discharge such Fish, and to put the same into other Boats for the Purpose aforesaid, without being subject or liable to any Penalty or Punishment for so doing, any thing in the said recited Act, or in any other Act, to the contrary notwithstanding.

Nothing in recited Act to prevent the several Sorts of Fish herein mentioned from being discharged from any Fishing Vessel for the Purpose of being sent to any legal Market in London or Westminster.

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ANNO QUARTO

GULIELMI IV. REGIS.

****

CAP. XXI.

An Act for amending certain Provisions of an Act of the Thirty-sixth of *George* the Third, for regulating the buying and selling of Hay and Straw. [16th *June* 1834.]

WHEREAS by an Act passed in the Thirty-sixth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to regulate the buying and selling of Hay and Straw, and for repealing so much of Two Acts, made in the Second Year of the Reign of King* William *and Queen* Mary, *and in the Thirty-first Year of the Reign of King* George *the Second, as relate to the buying and selling of Hay and Straw within the Limits therein mentioned,* it is amongst other things enacted, that the Markets for Sale of Hay and Straw within the Cities and Limits aforesaid shall end at Three of the Clock in the Afternoon of every Market Day between *Lady Day* and *Michaelmas*, and at Two of the Clock in the Afternoon of every Market Day between *Michaelmas* and *Lady Day*, and that Notices thereof shall be given by the Clerk or Toll Gatherer, or his Deputy, in the several Markets or Places for the Sale of Hay and Straw within the Cities and Limits aforesaid, by ringing, on the usual Market Days, a large Hand Bell round each respective Market or Place for the Sale of Hay or Straw, One Hour before the Expiration of the Times above mentioned, and again at the Expiration of the Hours above mentioned, on Pain of forfeiting for every such Offence a Sum of Money not exceeding 36 G. 3. c. 88.

Ten Shillings nor less than Five Shillings; and every Person who shall sell any Hay or Straw in any Market within the Cities or Limits aforesaid after the Hours aforesaid shall forfeit for every Bundle or Truss of Hay so sold the Sum of Sixpence, and for every Bundle or Truss of Straw so sold the Sum of Three-pence; and it is also by the same Act further enacted, that if any Person having the Care or Direction of any Waggon, Wain, or Cart used for the Purpose of bringing Hay or Straw shall suffer the same to remain in any Market or Place for the Sale of Hay and Straw within the Cities and Limits aforesaid, on the usual Market Days from *Lady Day* to *Michaelmas* after Five of the Clock in the Afternoon, and from *Michaelmas* to *Lady Day* after Three of the Clock in the Afternoon, in any Year, every Person so offending shall forfeit for every such Waggon, Wain, or Cart so left as aforesaid a Sum of Money not exceeding Twenty Shillings nor less than Five Shillings: And whereas the said recited Provisions were well calculated to prevent Obstructions and Inconvenience to the Public in Markets held for the Sale of Hay and Straw in open or public Streets or Thoroughfares, but the same are unnecessary, and may become vexatious and oppressive, in other Markets, and ought therefore to be partially repealed; be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act the several Provisions of the said Act of the Thirty-sixth Year of the Reign of King *George* the Third, Chapter Eighty-eight, which are herein-before recited, shall be and the same are hereby repealed so far as regards any Market for the Sale of Hay, Straw, and Clover through which there does not exist by Law any public Right of Way for Carts and Carriages; and that upon any Complaint made or Information laid for the Recovery of Penalties upon Breach of any of the said recited Provisions of the said Act it shall be incumbent upon the Party suing for such Penalty to shew by Evidence that there does exist such public Right of Way for Carts and Carriages through the Market in which the Offence shall be charged to have been committed.

Recited Provisions of 36 G. 3. c. 88. repealed as to certain Markets.

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ANNO QUARTO

GULIELMI IV. REGIS.

****

CAP. XXII.

An Act to amend an Act of the Eleventh Year of King *George* the Second, respecting the Apportionment of Rents, Annuities, and other periodical Payments. [16th *June* 1834.]

WHEREAS by an Act passed in the Eleventh Year of the Reign of His Majesty King *George* the Second, intituled *An Act for the more effectual securing the Payment of Rents, and preventing Frauds by Tenants*, it was enacted, that where any Tenant for Life should happen to die before or on the Day on which any Rent was reserved or made payable upon any Demise or Lease of any Lands, Tenements, or Hereditaments which determined on the Death of such Tenant for Life, the Executors or Administrators of such Tenant for Life should and might, in an Action on the Case, recover of and from such Undertenant or Undertenants of such Lands, Tenements, or Hereditaments, if such Tenant for Life die on the Day on which the same was made payable the whole, or if before such Day then a Proportion of such Rent according to the Time such Tenant for Life lived of the last Year or Quarter of a Year or other Time in which the said Rent was growing due as aforesaid, making all just Allowances, or a proportionable Part thereof respectively: And whereas Doubts have been entertained whether the Provisions of the said Act apply to every Case in which the Interests of Tenants determine on the Death of the Person by whom such Interests have been created 11 G. 2. c. 19.

and on the Death of any Life or Lives for which such Person was entitled to the Lands demised, although every such Case is within the Mischief intended to have been remedied and prevented by the said Act; and it is therefore desirable that such Doubts should be removed by a declaratory Law: And whereas, by Law, Rents, Annuities, and other Payments due at fixed or stated Periods are not apportionable (unless express Provision be made for the Purpose), from which it often happens that Persons (and their Representatives) whose Income is wholly or principally derived from these Sources by the Determination thereof before the Period of Payment arrives are deprived of Means to satisfy just Demands, and other Evils arise from such Rents, Annuities, and other Payments not being apportionable, which Evils require Remedy: Be it therefore enacted and declared by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That Rents reserved and made payable on any Demise or Lease of Lands, Tenements, or Hereditaments which have been and shall be made, and which Leases or Demises determined or shall determine on the Death of the Person making the same (although such Person was not strictly Tenant for Life thereof), or on the Death of the Life or Lives for which such Person was entitled to such Hereditaments, shall, so far as respects the Rents reserved by such Leases, and the Recovery of a Proportion thereof by the Person granting the same, his or her Executors or Administrators (as the Case may be), be considered as within the Provisions of the said recited Act.

Rents reserved on Leases determining on the Death of the Person making them (though not strictly Tenant for Life), or on the Death of the Tenant pur autre vie, to be considered as within the Provisions of recited Act.

II. And be it further enacted, That from and after the passing of this Act all Rents Service reserved on any Lease by a Tenant in Fee or for any Life Interest, or by any Lease granted under any Power, (and which Leases shall have been granted after the passing of this Act), and all Rents Charge and other Rents, Annuities, Pensions, Dividends, Moduses, Compositions, and all other Payments of every Description, in the United Kingdom of *Great Britain* and *Ireland*, made payable or coming due at fixed Periods under any Instrument that shall be executed after the passing of this Act, or (being a Will or Testamentary Instrument) that shall come into operation after the passing of this Act, shall be apportioned so and in such Manner that on the Death of any Person interested in any such Rents, Annuities, Pensions, Dividends, Moduses, Compositions, or other Payments as aforesaid, or in the Estate, Fund, Office, or Benefice from or in respect of which the same shall be issuing or derived, or on the Determination by any other Means whatsoever of the Interest of any such Person, he or she, and his or her Executors, Administrators, or Assigns, shall be entitled to a Proportion of such Rents, Annuities, Pensions, Dividends, Moduses, Compositions, and other Payments according to the Time which shall have elapsed from the Commencement or last Period of Payment thereof respectively (as the Case may be), including the Day of the Death of such Person, or of the Determination of his or her Interest, all just Allowances and Deductions in respect of Charges on such Rents, Annuities, Pensions, Dividends, Moduses, Compositions,

All Rents, Annuities, and other Payments coming due at fixed Periods to be apportioned;

subject to all just Deductions.

sitions, and other Payments being made; and that every such Person, his or her Executors, Administrators, and Assigns, shall have such and the same Remedies at Law and in Equity for recovering such apportioned Parts of the said Rents, Annuities, Pensions, Dividends, Moduses, Compositions, and other Payments, when the entire Portion of which such apportioned Parts shall form Part shall become due and payable, and not before, as he, she, or they would have had for recovering and obtaining such entire Rents, Annuities, Pensions, Dividends, Moduses, Compositions, and other Payments if entitled thereto, but so that Persons liable to pay Rents reserved by any Lease or Demise, and the Lands, Tenements, and Hereditaments comprised therein, shall not be resorted to for such apportioned Parts specifically as aforesaid, but the entire Rents of which such Portions shall form a Part shall be received and recovered by the Person or Persons who if this Act had not passed would have been entitled to such entire Rents; and such Portions shall be recoverable from such Person or Persons by the Parties entitled to the same under this Act in any Action or Suit at Law or in Equity.

Remedies for obtaining the apportioned Parts.

III. Provided always, and be it enacted, That the Provisions herein contained shall not apply to any Case in which it shall be expressly stipulated that no Apportionment shall take place, or to annual Sums made payable in Policies of Assurance of any Description.

Act not to apply to certain Cases.

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and on the Death of any Life or Lives for which such Person was entitled to the Lands demised, although every such Case is within the Mischief intended to have been remedied and prevented by the said Act; and it is therefore desirable that such Doubts should be removed by a declaratory Law: And whereas, by Law, Rents, Annuities, and other Payments due at fixed or stated Periods are not apportionable (unless express Provision be made for the Purpose), from which it often happens that Persons (and their Representatives) whose Income is wholly or principally derived from these Sources by the Determination thereof before the Period of Payment arrives are deprived of Means to satisfy just Demands, and other Evils arise from such Rents, Annuities, and other Payments not being apportionable, which Evils require Remedy: Be it therefore enacted and declared by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That Rents reserved and made payable on any Demise or Lease of Lands, Tenements, or Hereditaments which have been and shall be made, and which Leases or Demises determined or shall determine on the Death of the Person making the same (although such Person was not strictly Tenant for Life thereof), or on the Death of the Life or Lives for which such Person was entitled to such Hereditaments, shall, so far as respects the Rents reserved by such Leases, and the Recovery of a Proportion thereof by the Person granting the same, his or her Executors or Administrators (as the Case may be), be considered as within the Provisions of the said recited Act.

Rents reserved on Leases determining on the Death of the Person making them (though not strictly Tenant for Life), or on the Death of the Tenant pur autre vie, to be considered as within the Provisions of recited Act.

II. And be it further enacted, That from and after the passing of this Act all Rents Service reserved on any Lease by a Tenant in Fee or for any Life Interest, or by any Lease granted under any Power, (and which Leases shall have been granted after the passing of this Act), and all Rents Charge and other Rents, Annuities, Pensions, Dividends, Moduses, Compositions, and all other Payments of every Description, in the United Kingdom of *Great Britain* and *Ireland*, made payable or coming due at fixed Periods under any Instrument that shall be executed after the passing of this Act, or (being a Will or Testamentary Instrument) that shall come into operation after the passing of this Act, shall be apportioned so and in such Manner that on the Death of any Person interested in any such Rents, Annuities, Pensions, Dividends, Moduses, Compositions, or other Payments as aforesaid, or in the Estate, Fund, Office, or Benefice from or in respect of which the same shall be issuing or derived, or on the Determination by any other Means whatsoever of the Interest of any such Person, he or she, and his or her Executors, Administrators, or Assigns, shall be entitled to a Proportion of such Rents, Annuities, Pensions, Dividends, Moduses, Compositions, and other Payments according to the Time which shall have elapsed from the Commencement or last Period of Payment thereof respectively (as the Case may be), including the Day of the Death of such Person, or of the Determination of his or her Interest, all just Allowances and Deductions in respect of Charges on such Rents, Annuities, Pensions, Dividends, Moduses, Compositions,

All Rents, Annuities, and other Payments coming due at fixed Periods to be apportioned;

subject to all just Deductions.

sitions, and other Payments being made; and that every such Person, his or her Executors, Administrators, and Assigns, shall have such and the same Remedies at Law and in Equity for recovering such apportioned Parts of the said Rents, Annuities, Pensions, Dividends, Moduses, Compositions, and other Payments, when the entire Portion of which such apportioned Parts shall form Part shall become due and payable, and not before, as he, she, or they would have had for recovering and obtaining such entire Rents, Annuities, Pensions, Dividends, Moduses, Compositions, and other Payments if entitled thereto, but so that Persons liable to pay Rents reserved by any Lease or Demise, and the Lands, Tenements, and Hereditaments comprised therein, shall not be resorted to for such apportioned Parts specifically as aforesaid, but the entire Rents of which such Portions shall form a Part shall be received and recovered by the Person or Persons who if this Act had not passed would have been entitled to such entire Rents; and such Portions shall be recoverable from such Person or Persons by the Parties entitled to the same under this Act in any Action or Suit at Law or in Equity.

Remedies for obtaining the apportioned Parts.

III. Provided always, and be it enacted, That the Provisions herein contained shall not apply to any Case in which it shall be expressly stipulated that no Apportionment shall take place, or to annual Sums made payable in Policies of Assurance of any Description.

Act not to apply to certain Cases.

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ANNO QUARTO & QUINTO

GULIELMI IV. REGIS.

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CAP. XXIII.

An Act for the Amendment of the Law relative to the Escheat and Forfeiture of Real and Personal Property holden in Trust. [27th *June* 1834.]

WHEREAS great Inconvenience has been found to result to Persons beneficially entitled to Real or Personal Property by the escheating or Forfeiture thereof to His Majesty, to Corporations, to Lords of Manors, and others, in consequence of the Death without Heirs, or the Conviction for Treason or Felony, of a Trustee in whom or in whose Name the same is vested: And whereas it is expedient that the same should be remedied: And inasmuch as, in order to avoid Repetition, certain Words are used in this Act as describing Subjects some of which, according to their usual Sense, such Words would not embrace; for the understanding of the Sense attached to them in this Act, be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Provisions of this Act shall extend to and include the several Estates and Persons, Matters and Things herein-after mentioned; (that is to say,) those relating to Land, to any Manor, Messuage, Tenement, Hereditament, or Real Property, whether Freehold, Customaryhold, Copyhold, or of any Tenure whatever; those relating to Chattels, to Personal Property of every Description capable of being transferred or disposed of otherwise than in Books kept by any Company or Society, or to any Share thereof or Interest therein;

Description of Estates and Matters included in the Provisions of this Act, and Construction of Terms used.

therein; those relating to Stock, to any Fund, Annuity, or Security transferable in Books kept by any Company or Society established or to be established, or to any Money payable for the Discharge and Redemption thereof, or to any Share or Interest therein; those relating to Dividends, to Interest, or other annual Produce; those relating to a Conveyance, to any Lease and Release, Surrender, or other Assurance of Real Property, including all Acts and Deeds necessary for making and perfecting the same; those relating to an Assignment, to any Surrender, Delivery, or other Disposition of the Personal Property, and to all Acts, Deeds, and Things necessary for making and perfecting the same; those relating to a Transfer, to any Payment or other Disposition of Stock; those relating to an Heir, to any Devisee or other real Representative, by the Common Law, or by Custom, or otherwise; and those relating to an Executor, to any Administrator or other personal Representative; unless there be something in the Subject or Context repugnant to such Construction; and whenever this Act, in describing or referring to any Trustee or other Person, or any Trust, Land, Stock, Conveyance, Assignment, Transfer, Grant, Matter, or Thing, uses the Word importing the Singular Number or the Masculine Gender only, the same shall be understood to include and shall be applied to several Persons as well as one Person, and Females as well as Males, and Bodies Corporate as well as Individuals, and several Trusts, Lands, Stocks, Conveyances, Assignments, Transfers, Grants, Matters, or Things respectively as well as one Trust, Land, Stock, Conveyance, Assignment, Transfer, Grant, Matter, or Thing respectively, unless there be something in the Subject or Context repugnant to such Construction.

If Trustee or Mortgagee of any Land die without an Heir, the Court of Chancery may appoint a Person to convey.

II. And be it enacted, That where any Person seised of any Land upon any Trust or by way of Mortgage dies without an Heir, it shall be lawful for the Court of Chancery to appoint a Person to convey such Land in like Manner as is provided by the Act of the Eleventh Year of King *George* the Fourth and the First Year of His present Majesty, intituled *An Act for amending the Laws respecting Conveyances and Transfers of Estates and Funds vested in Trustees and Mortgagees, and for enabling Courts of Equity to give effect to their Decrees and Orders in certain Cases*, in case such Trustee or Mortgagee had left an Heir, and it was not known who was such Heir; and such Conveyance shall be as effectual as if there was such Heir.

Lands, &c. vested in any Trustee shall not be escheated by reason of the Attainder or Conviction of such Trustee.

III. And be it further enacted, That no Land, Chattels, or Stock vested in any Person upon any Trust or by way of Mortgage, or any Profits thereof, shall escheat or be forfeited to His Majesty, His Heirs or Successors, or to any Corporation, Lord of a Manor, or other Person, by reason of the Attainder or Conviction for any Offence of such Trustee or Mortgagee, but shall remain in such Trustee or Mortgagee, or survive to his Co-trustee, or descend or vest in his Representative, as if no such Attainder or Conviction had taken place.

To whom and to what Cases the Provi-

IV. And be it enacted, That the several Provisions of this Act shall extend to every Case of a Trustee having some beneficial Estate or

Interest in the same Subject, or some Duty as Trustee to perform, and also to every Case of a Trust arising or resulting by Implication of Law or by Construction of Equity. sions of this Act shall extend.

V. Provided always, and be it hereby enacted, That nothing contained in this Act shall prevent the Escheat or Forfeiture of any Land, Chattels, or Stock vested in any such Trustee or Mortgagee, so far as relates to any beneficial Interest therein of any such Trustee or Mortgagee, but such Land, Chattels, or Stock, so far as relates to any such beneficial Interest, shall be recoverable in the same Manner as if this Act had not passed. This Act not to prevent the Escheat of any beneficial Interest.

VI. And whereas it is expedient to relieve Persons beneficially entitled to Real or Personal Property which has already escheated or become forfeited to His Majesty, to Corporations, to Lords of Manors, or others, by any of the Means aforesaid; be it therefore enacted, That in all Cases where before the passing of this Act any Person possessed of or entitled to any Land, Chattels, or Stock, or any Right to or Interest in any Land, Chattels, or Stock, as a Trustee thereof, either in whole or in part, or jointly with some other Trustee or Trustees, shall have died without an Heir, or shall have been convicted of any Offence whereby the said Land, Chattels, or Stock, or any of them, have escheated or been forfeited, or have become subject to any Escheat or Forfeiture, then and in every or any such Case the said Land, Chattels, or Stock, or the Right thereto or Interest therein which hath escheated or been forfeited, or become subject to Escheat or Forfeiture by reason thereof, shall be subject to the Order, Control, and Disposition of the Court of Chancery, for the Use of the Party beneficially interested therein, in such Manner, and subject in all respects to such Rights and Incidents, and to such Orders and Regulations of the said Court, under the Provisions of the said Act of the Eleventh Year of King *George* the Fourth and of the First Year of His present Majesty, as if such Person so dead without an Heir, or so convicted, as aforesaid, were out of the Jurisdiction of or not amenable to the Process of the said Court, without having been so convicted: Provided always, that nothing in this Clause contained shall extend to any Land, Chattels, or Stock now vested in any Person by virtue of any Grant thereof made subsequently to the Time when such Escheat or Forfeiture first occurred, or to any Land, Chattels, or Stock which more than Twenty Years prior to the passing of this Act shall have been actually vested in Possession or reduced into Possession by the Party entitled thereto by virtue of any such Escheat or Forfeiture. Where any Person possessing Lands, &c. as a Trustee shall have died without Heirs, or have been convicted, before the passing of this Act, the Lands, &c. shall become subject to the Control of the Court of Chancery. Proviso.

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ANNO QUARTO & QUINTO

GULIELMI IV. REGIS.

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CAP. XXIV.

An Act to alter, amend, and consolidate the Laws for regulating the Pensions, Compensations, and Allowances to be made to Persons in respect of their having held Civil Offices in His Majesty's Service. [25th *July* 1834.]

WHEREAS by an Act passed in the Fifty-seventh Year of the Reign of His late Majesty King *George* the Third, to enable His Majesty to recompense the Services of Persons holding or who have held certain high and efficient Civil Offices, His Majesty is empowered to grant Pensions, as therein provided, to Persons who shall have served His Majesty, His Heirs or Successors, in the Offices therein mentioned: And whereas by an Act passed in the Sixth Year of the Reign of His late Majesty King *George* the Fourth, for amending the said recited Act, it is enacted, that the several other Offices therein particularly described shall be deemed to be comprised in the several Classes of Offices in the said recited Act respectively specified: And whereas it is expedient that the Amount of the Pensions by the said Two Acts authorized to be granted should as to future Pensions be reduced, and the Conditions under which the same shall be granted be altered and regulated: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act no Pension to be granted to any Person in respect of his having served in any One or more of the Offices of First Lord of the Treasury, or of One of His Majesty's Principal Secretaries of State, or Chancellor of the Exchequer, or First Lord of the Admiralty, or President of the Board of Commissioners for the Affairs of *India*, or President of the Committee of

57 G. 3. c. 65.

6 G. 4. c. 90.

Pensions to the First Lord of the Treasury, Secretaries of State, Chancellor of the Exchequer,

First Lord of the Admiralty, President of the India Board, President of the Board of Trade;

of Council appointed for the Consideration of Matters relating to Trade and Foreign Plantations, shall exceed the Sum of Two thousand Pounds *per Annum;* nor shall any such Pension be granted to any Person unless he shall have held One or more of the said Offices for a Period of not less than Two Years in the whole, either uninterruptedly or at different Times; nor shall any more or greater Number than Four such Pensions hereafter to be granted, be existing or in force at the same Time.

Chief Secretary of Ireland, Secretary at War;

II. And be it further enacted, That from and after the passing of this Act no Pension to be granted to any Person in respect of his having served in either or both of the Offices of Chief Secretary for *Ireland* or Secretary at War shall exceed the Sum of One thousand four hundred Pounds *per Annum*, nor shall any such Pension be granted to any Person unless he shall have held One or both of the said Offices for a Period of not less than Five Years in the whole, either uninterruptedly or at different Times; nor shall any more or greater Number than Two such last-mentioned Pensions be existing or in force at the same Time.

Joint Secretaries of the Treasury, First Secretary of Admiralty, Vice President of Board of Trade;

III. And be it further enacted, That from and after the passing of this Act no Pension to be granted to any Person in respect of his having served in any One or more of the Offices of One of the Joint Secretaries of the Treasury, or First Secretary of the Admiralty, or Vice President of the Committee of Commissioners appointed for the Consideration of Matters relating to Trade and Foreign Plantations, shall exceed the Sum of Twelve hundred Pounds *per Annum;* nor shall any such Pension be granted to any Person unless he shall have held One or more of the said Offices for a Period of not less than Five Years in the whole, either uninterruptedly or at different Times; nor shall any more or greater Number than Four such last-mentioned Pensions be existing or in force at the same Time.

Under Secretaries of State, Clerk of the Ordnance, Second Secretary of Admiralty, Secretaries of India Board.

IV. And be it further enacted, That from and after the passing of this Act the Pension, not exceeding One thousand Pounds, authorized by the said recited Act to be granted to any Person in respect of his having served in any One or more of the Offices of One of the Under Secretaries of State, or Clerk of the Ordnance, or Second Secretary of the Admiralty, or One of the Secretaries of the Board of Commissioners for the Affairs of *India*, shall not be granted to any such Person unless he shall have held One or more of the said Offices for a Period of not less than Ten Years in the whole, either uninterruptedly or at different Times; nor shall any more or greater Number than Six such last-mentioned Pensions be existing or in force at the same Time.

Regulation as to Period of Service.

V. Provided always, and be it enacted, That in case it shall happen that any Person shall have served His Majesty, His Heirs or Successors, in more than One Class of Offices herein-before specified, in respect whereof any Pension less than Two thousand Pounds may be granted, it shall be lawful to grant, under the Regulations aforesaid, to such Person any Pension annexed to the highest Class of Office in which such Person may have been employed, whenever the whole Period of the Service of such Person in the several Offices in which he shall have been employed shall amount to Ten Years,

although the Period of the Service of such Person in such highest Class shall not have extended to the Period of Five Years; provided always, that such Person shall have served in such highest Class for the Period of not less than Three Years; and in Cases in which the Service of any such Person in any Class of those Offices shall not be sufficient to entitle him to the Pension of that Class, it shall be lawful to grant him a Pension not exceeding One thousand Pounds, provided the Period of his aggregate Services in that and any inferior Class or Classes or Department of the Public Service shall amount to Ten Years: Provided also, that there shall not be more than the aforesaid Number of Pensions to that Amount existing at the same Time.

Declaration to be made by Persons claiming Pensions.

VI. And whereas the Principle of the Regulations for granting Allowances of this Nature is and ought to be founded on a Consideration, not only of the Services performed by the Individual to the State, but of the Inadequacy of his private Fortune to maintain his Station in Life; be it therefore enacted That from and after the passing of this Act, whenever any Person shall seek to obtain any One of the Pensions before mentioned, his Application for that Purpose shall be made in Writing to the Commissioners of His Majesty's Treasury, to which he shall subscribe his Name, and which shall contain, not only a Statement of the Services performed by him, and the Grounds on which such Pension is claimed, but a specific Declaration that the Amount of his Income from other Sources is so limited as to bring him within the Intent and Meaning of this Act and the Principle herein-above declared, and without such Declaration no Pension as herein-before provided or authorized shall be granted.

Regulations with respect to Pensions contained in recited Acts to apply to Pensions under this Act.

VII. Provided always, and be it further enacted, That the several Regulations with respect to the granting of any of the before-mentioned Pensions, and to the Receipt thereof by the Persons to whom such Grants may be made, which are contained in the said recited Act of the Fifty-seventh Years of King *George* the Third and the Sixth Year of King *George* the Fourth, shall continue in full Force and Effect, and be applicable to Pensions to be granted under the Authority of this Act, except so far as any such Regulations are altered or repealed by the Enactments contained in this Act.

Repeal of 50 G. 3. c. 117.

VIII. And be it further enacted, That from and after the passing of this Act an Act made in the Fiftieth Year of the Reign of His late Majesty King *George* the Third, to direct that Accounts of Increase and Diminution of Public Salaries, Pensions, and Allowances shall be annually laid before Parliament, and to regulate and control the granting and Payment of such Salaries, Pensions, and Allowances; and Two several Acts passed in the Fifty-first Year of the Reign of His said late Majesty and in the Third Year of His late Majesty King *George* the Fourth, severally to amend the said Act of the Fiftieth Year of the Reign of King *George* the Third; and also an Act passed in the Fifth Year of the Reign of His said late Majesty King *George* the Fourth, to amend the said Act of the Third Year of His said Majesty's Reign; and so much of an Act passed in the Sixth Year of the Reign of His said late Majesty, to regulate the Payment of Salaries and Allowances to *British* Consuls, as respects the Allowance to be made

51 G. 3. c. 21.
3 G. 4. c. 113.
5 G. 4. c. 104.
6 G. 4. c. 87. s. 8.

made to such Consuls in the Nature of Superannuation or Reward for meritorious Public Services; shall be and the same are hereby repealed, except so far as relates to any Matter or Thing already done under the said Acts or either of them.

Superannuation Allowance to Persons who entered the Service before 5 Aug. 1829.

IX. And be it further enacted, That from and after the passing of this Act the Superannuation Allowances to be granted to such Officers and Clerks who shall have entered the Public Service prior to the Fifth Day of *August* One thousand eight hundred and twenty-nine (except only as herein-after is authorized) shall not exceed the following Proportions with reference to the Amount of their Salaries and the Periods of their Services respectively; (*videlicet,*)

To an Officer, Clerk, or Person who shall have served Ten Years and upwards, and under Fifteen Years, any annual Allowance not exceeding in Amount Four Twelfths of the annual Salary and Emoluments of his Office:

For Fifteen Years and upwards, and under Twenty Years, not exceeding Five Twelfths of such Salary and Emoluments:

For Twenty Years and upwards, and under Twenty-five Years, not exceeding Six Twelfths of such Salary and Emoluments:

For Twenty-five Years and upwards, and under Thirty Years, not exceeding Seven Twelfths of such Salary and Emoluments:

For Thirty Years and upwards, and under Thirty-five Years, not exceeding Eight Twelfths of such Salary and Emoluments:

For Thirty-five Years and upwards, and under Forty Years, not exceeding Nine Twelfths of such Salary and Emoluments:

For Forty Years and upwards, and under Forty-five Years, not exceeding Ten Twelfths of such Salary and Emoluments:

For Forty-five Years and upwards, and under Fifty Years, not exceeding Eleven Twelfths of such Salary and Emoluments:

And for Fifty Years or upwards, any annual Allowance not exceeding the net Amount of the Salary and Emoluments of his Office.

Superannuation Allowance to Persons who shall have entered the Service subsequent to 4 Aug. 1829.

X. And be it further enacted, That from and after the passing of this Act it shall not be lawful to grant to any Officer or Clerk who shall have entered the Public Service subsequent to the Fourth Day of *August* One thousand eight hundred and twenty-nine, except as herein-after authorized, any Superannuation or Allowance exceeding the following Proportions, with reference to the Amount of their Salaries and the Periods of their Services respectively; (*videlicet,*)

To an Officer, Clerk, or Person who shall have served Ten Years and upwards, and under Seventeen Years, any annual Allowance not exceeding in Amount Three Twelfths of the Salary and Emoluments of his Office:

For Seventeen Years Service and upwards, and under Twenty-four Years, not exceeding Four Twelfths of such Salary and Emoluments:

For Twenty-four Years Service and upwards, and under Thirty-one Years, not exceeding Five Twelfths of such Salary and Emoluments:

For Thirty-one Years and upwards, and under Thirty-eight Years, not exceeding Six Twelfths of such Salary and Emoluments:

For

For Thirty-eight Years and upwards, and under Forty-five Years, not exceeding Seven Twelfths of such Salary and Emoluments:

And for Forty-five Years and upwards, not exceeding Eight Twelfths of such Salary and Emoluments:

And in no Case, except as herein-after is especially provided, shall any Superannuation or Allowance exceeding Two Thirds of the Salary and Emoluments of any such Officer, Clerk, or Person, be granted.

Conditions on which Allowances are to be granted as to Age and Infirmity.

XI. And be it further enacted, That from and after the passing of this Act it shall not be lawful to grant any Superannuation Allowance to any Officer or Clerk who shall be under Sixty-five Years of Age, unless upon Certificates from the Heads of the Department to which such Officer or Clerk shall belong, and from Two Medical Practitioners, that he is incapable, from Infirmity of Mind or Body, to discharge the Duties of his Situation, nor unless he shall have discharged those Duties with Diligence and Fidelity, to the Satisfaction of the Head Officer or Officers of his Department, which shall be certified by any Two of such Head Officers if there shall be more than One, or by such Head Officer if there shall be but One; and in case the Person claiming such Superannuation Allowance shall himself be the Head Officer, or One of the Head Officers, then such Superannuation Allowance shall not be granted unless he shall have discharged the Duties of his Situation with Diligence and Fidelity, to the Satisfaction of the Commissioners of the Admiralty, if such Head Officer shall hold any Office or Situation under the Control of that Department, and in all other Cases to the Satisfaction of the Commissioners of the Treasury; and the said Commissioners of the Admiralty and Treasury respectively shall express such Satisfaction in their Minute recommending or authorizing the Grant of any such Superannuation Allowance.

Superannuations not to be granted on advanced Amount of Salary received for less than Three Years.

XII. Provided always, and be it further enacted, That the Superannuation Allowance to be granted to any Officer or Person after the passing of this Act shall not be computed upon the Amount of the Salary enjoyed by him at the Time of his Retirement, unless he shall have been in the Receipt of the same, or in the Class from which he retires, for a Period of at least Three Years immediately before the granting of such Superannuation Allowance; and in case he shall not have enjoyed his then existing Salary, or have been in such Class for that Period, such Superannuation Allowance shall be calculated upon the average Amount of Salary received by such Person for Three Years next preceding the Commencement of such Allowance.

Superannuations, &c. to be clear of Deductions on account of Taxes.

XIII. And be it further enacted, That all Compensations and Allowances granted, or hereafter under this Act to be granted, as Pensions or Superannuations, shall be paid to the Persons entitled to receive the same without any Abatement or Deduction in respect of any Taxes or Duties whatever at present existing.

Act to extend to Offices enumerated in the Schedule; and

XIV. And be it further enacted, That the Superannuation Allowances authorized by this Act shall extend to all such Civil Offices and Departments as are set forth and enumerated in the Schedule to this

others may be added by the Treasury.

Act, with such Exceptions as are specified in the said Schedule: Provided always, that it shall be lawful for the Commissioners of His Majesty's Treasury, by any Order or Warrant under the Hands of any Three or more of them, to add to the List of Offices and Departments enumerated in the said Schedule any other Offices or Departments which now exist or may hereafter be created or established, and to place the same, and the Officers and Persons employed therein, under the Provisions of this Act; in every which Order or Warrant the Reasons for adding any such Office or Department shall be stated, and a Copy of every such Order or Warrant shall be laid before Parliament within One Month after the making thereof, if Parliament shall be then sitting, and if not, then within One Month after the then next sitting of Parliament; and all the Provisions of this Act, and all the Powers, Authorities, Regulations, Restrictions, and Clauses therein contained, shall in every such Case apply and be put in force with respect to every Office or Department which shall be so added as aforesaid as fully and effectually, to all Intents and Purposes, as if they had been originally specified and enumerated in the said Schedule.

Such Addition not to extend to Offices entitling the Holders to Half Pay, or to Offices in Courts of Justice, &c.

XV. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to or authorize the adding to such List any Offices held under Military or Naval Commissions, entitling the Holders of the same to Half Pay, or any Military or Naval Allowance in lieu of or in addition to Half Pay, allowed under the Regulation of any Order of His Majesty in Council to any Persons for Services in His Majesty's Army, Navy, or Ordnance, or any Offices in any of His Majesty's Courts at *Westminster* or *Dublin*, or any other His Majesty's Courts of Justice elsewhere, or the Comptroller of His Majesty's Exchequer, or any Offices in relation to which the granting of any Allowances for past Services has been specially regulated by any Act, or any Offices held as Sinecures, or executed principally by Deputy.

Compensation to Military and Naval Officers for Civil Services not to exceed Two Thirds of Salary except in special Cases.

XVI. And be it further enacted, That no Compensation hereafter to be made or Superannuation Allowance to be granted in respect of Civil Services to any Person entitled to Half Pay in the Army, Ordnance, Navy, or Marines, who shall have been appointed to the Civil Service subsequently to the Fourth Day of *August* One thousand eight hundred and twenty-nine, shall in any Case, except as in this Act is specially provided, exceed in the whole (computing his Half Pay in such Compensation or Allowance) the Amount of Two Thirds of the Salary and Emoluments of the Office relinquished by him: Provided always, that nothing in this Act contained shall extend or be construed to extend to entitle any Superintendent of a Dock Yard or other Establishment in the Civil Department of the Navy, who shall have held any Civil Appointment prior to the Fifth Day of *August* One thousand eight hundred and twenty-nine, to any Superannuation Allowance under this Act beyond the Amount stipulated by the Terms on which he shall have accepted the Office of Superintendent, or the Amount established by any Order of His Majesty in Council concerning Superintendents.

Allowances may be made in special

XVII. Provided always, and be it further enacted, That in any Case in which it shall appear to the Commissioners of His Majesty's

Treasury that any special Circumstances afford to any Officer or Clerk in the several Offices or Departments mentioned in the Schedule to this Act, or in the Addition authorized to be made thereto, who is not within the Exceptions therein contained, a just Claim to an Amount of Superannuation Allowance not authorized by this Act, or exceeding the Amount therein specified with reference to the Length of his Service, it shall be lawful for the Commissioners of His Majesty's Treasury to grant, or give Authority for granting, any special Superannuation which such Officer or Clerk shall appear to them to deserve; but in every such Case the Grounds on which such special Superannuation shall be granted or authorized shall be stated in the Grant thereof, or in the Authority for granting the same, and also entered in the Minutes of the Treasury, and shall likewise be laid before Parliament within One Month after the Fifth Day of *January* in each Year, if Parliament be sitting during that Period, or if not, then within One Month after the ensuing Meeting of Parliament.

Cases, such Cases to be laid before Parliament.

XVIII. And be it further enacted, That no Compensation for any Office abolished, nor any special Allowance or Remuneration for good Services to any Person holding or having held any Civil Office in any Public Department, shall be charged upon the Incidents or any other Fund of any such Department; and that no such Compensation, nor any Allowance or Compensation in the Nature of Superannuation or retired Allowance or Reward to any such Person in respect of his having held any Public Office or Employment, or having been engaged in any Public Service, shall be granted, allowed, or paid, other than under the Authority of an Order of His Majesty in Council, or by the Commissioners of His Majesty's Treasury, or any Three or more of them.

No Compensation to be charged upon the Funds of the Department; nor without Concurrence of His Majesty in Council or of the Treasury.

XIX. And be it further enacted and provided, That every Person to whom any Compensation or Allowance, in consequence of the Abolition or Reduction of Office, shall hereafter be granted shall at all Times, when called upon, be liable to fill, in any Part of His Majesty's Dominions in which he shall have already served, any Public Office or Situation under the Crown for which his previous Public Services may render him eligible; and that if he shall decline, when called upon so to do, to take upon himself such Office or Situation, and execute the Duties thereof satisfactorily, being in a competent State of Health, he shall forfeit his Right to any Compensation or Allowance which may have been granted to him in respect of any former Services.

All who have retired on the Abolition or Reduction of Office, made liable when called upon to take Office.

XX. Provided always, and be it further enacted, That in case any Person enjoying any Superannuation Allowance, in consequence of retiring from Office on account of Age, Infirmity, or any other Cause, or enjoying any Compensation for past Services upon the Abolition or Reduction of Office, shall be appointed to fill any Office in any Public Department, every such Allowance or Compensation shall cease to be paid for any Period subsequent to such Appointment, if the annual Amount of the Profits of the Office to which he shall be appointed shall be equal to those of the Office formerly held by him, and in case they shall not be equal to those of his former Office, then no more of such

No Superannuation or Compensation to be enjoyed with Salary for efficient Services.

such Superannuation Allowance or Compensation shall be paid to him than what with the Salary of his new Appointment shall be equal to that of his former Office.

Not to extend to Half Pay, &c.

XXI. Provided always, and be it further enacted, That nothing herein contained with respect to Compensation, Superannuation, or Allowance for Civil Services, shall extend or be construed to extend to any Military or Naval Half Pay, or Allowance in lieu of Half Pay, or to any Military or Naval Allowance or Pensions granted or to be granted, under the Regulations of any Order of His Majesty in Council, in any of the respective Departments of the Commissioners of the Admiralty, the Secretary at War, and the Master General of the Ordnance, except as herein-after is provided with respect to the same.

Account of Increase and Diminution of Public Salaries, Pensions, and Allowances to be annually laid before Parliament.

XXII. And be it further enacted, That between the First Day of *February* and the Twenty-fifth Day of *March* in every Year, or if Parliament shall not be sitting during any Part of that Period, then within Twenty Days after the next Meeting of Parliament, there shall be laid before both Houses of Parliament an Account of every Increase and Diminution which shall have taken place within the preceding Year, ending on the Thirty-first Day of *December*, in the Number of Persons employed in all Public Offices or Departments under the Crown, and in the Salaries, Emoluments, Allowances, and Expences which shall have taken place or been paid, granted, received, or incurred for and in respect of all Officers and Persons belonging to or employed in all such Public Offices or Departments, specifying the Amount and Nature thereof, and distinguishing every Increase and Diminution in the Amount of all Allowances or Compensations granted as Retired Allowances or Superannuations to any Person having held any Office, Place, or Employment in any such Public Office or Department, and also the Time and Length of Service of every such Person, and the Amount of the Salary and Emoluments received by such Person immediately preceding his Superannuation or Retirement, and the Nature of his Services, and the Grounds upon which such Increase or Diminution in the Establishment of every such Public Office or Department, or of any such Salary, Emolument, Allowance, Compensation, or Superannuation, shall have been granted or made; and also specifying the Name of every Person receiving such Allowance or Compensation who may have died in the Course of the Year, together with the Amount of the annual Allowance payable to such Person.

Civil Allowances, &c. to be laid before Parliament.

XXIII. Provided always, and be it further enacted, That Accounts of all Compensations for Offices abolished, and of all Allowances in the Nature of Superannuation or Retired Allowances to all other Persons in respect of their having held any Public Office or Employment under the Crown, shall annually, at the Period lastly provided, be laid before the Commons House of Parliament.

Orders of His Majesty in Council and Minutes of

XXIV. And whereas the Scale of Allowance under this Act specifies the highest Rate which a superannuated Officer can receive unless his Case be specially laid before Parliament: And whereas it is expedient that the Lords of His Majesty's Treasury and the Lords of the

the Admiralty for the Time being respectively should consider the Health, Age, meritorious Conduct, and other Circumstances of each Party applying for a Superannuation Allowance, in order to exercise their Discretion in fixing the Amount of such Allowance, subject always to the Limitation prescribed by this Act: And whereas it is expedient that Parliament should be made acquainted with the Manner in which such Discretion shall be exercised; be it therefore enacted, That all Orders of His Majesty in Council, and Minutes of the Lords of the Treasury, which shall at any Time be framed or passed laying down any general Rule or Regulation respecting the granting of Superannuation Allowances, shall within One Month of the Date thereof, if Parliament should be then sitting, or if not, then within One Month after the Commencement of the next ensuing Session of Parliament, be laid before the Two Houses of Parliament respectively.

Treasury making general Rules respecting Superannuation Allowances, to be laid before Parliament.

XXV. Provided always, and be it further enacted, That all Half Pay and Allowances in lieu of Half Pay in the several Departments of the Army, Ordnance, Navy, and Marines, and all Military and Naval Allowances or Pensions granted or which shall be granted in any of such Departments under the Authority of any Order in Council, shall be annually laid before the Commons House of Parliament in separate Estimates, at the same Time with the ordinary Estimates of those respective Departments, and shall be kept distinct from all Pensions, Compensations, Superannuation and Retired Allowances in any of the Civil Offices of those Departments respectively.

Half Pay and Military and Naval Pensions to be laid before Parliament in separate Estimates.

XXVI. And be it further enacted, That the Compensations, Superannuations, and Allowances authorized as well by this as any former Act or Acts shall, when not specially provided for by Parliament, be charged upon and paid and payable by the respective Departments or Offices in which the Persons receiving such Allowances shall have served.

Compensations not provided for to be charged on Funds of Departments.

XXVII. And whereas the Commissioners of the Treasury did, by Minute dated the Fourth Day of *August* One thousand eight hundred and twenty-nine, record their Intention to adopt certain Regulation with a view to reduce prospectively the Charge incurred in providing for Superannuation Allowances, of which Notice was given in the several Public Departments, for the Information of those who should thereafter enter the Public Service: And whereas, in pursuance of the said Minute, an annual Abatement hath been made from the Salaries and Emoluments of the several Persons who have entered the Public Service subsequent to the Date thereof: And whereas it is expedient to continue such Abatement in those Cases, and to extend it to others, as herein-after provided; be it therefore further enacted, That from and after the passing of this Act there shall be an annual Abatement made, in quarterly Proportions, by the proper Officer in each respective Department, from the Salaries and Emoluments of the several Officers and Persons employed in the several Civil Offices and Departments specified in the Schedule to this Act, or to be specified in the Addition authorized to be made thereto, and not within the Exceptions thereof, who have since the Date of the said Minute entered or shall hereafter enter the Public Service, in such Manner and under such Directions

Abatement to be made from the Salaries of those who have taken Office since the 4th Aug. 1829.

as shall from Time to Time be given in this respect by the Commissioners of the Treasury or of the Admiralty, as the Case may be; the Amount of which Abatement shall be according to the respective Rates following; (that is to say,)

From Salaries and Emoluments not exceeding the annual Sum of One hundred Pounds, an Abatement after the Rate of Two Pounds Ten Shillings *per Centum*;

And from Salaries and Emoluments exceeding One hundred Pounds, Five Pounds *per Centum*:

And in the Cases of all Persons whomsoever at present holding Office and entitled to Superannuation Allowance under this Act, who shall have been appointed to such Office subsequently to the Issue of the Minute of the Lords Commissioners of His Majesty's Treasury, bearing Date the Fourth Day of *August* One thousand eight hundred and twenty-nine, for the future Regulation of the several Civil Departments of the Public Service, and who shall hereafter, upon Promotion, obtain any Increase of Salary or Allowances in respect of their Offices, an annual Abatement, after the like Rates respectively, shall be made from the Amount of such Increase from Time to Time, commencing from the Period when the same shall take place.

Average of Emoluments to be made by Heads of Departments.

XXVIII. And be it further enacted, That it shall be lawful for the Person or Persons at the Head of any Department in which any Fees or other Sources of Profit may form Part of the Emoluments of any Office in such Department, to fix, with the Approbation of the Commissioners of His Majesty's Treasury, or for the Commissioners of the Admiralty, if the Office shall be in that Department, an average Sum upon which the Compensation or Superannuation Allowance shall be granted, as well as the Sum to be annually abated, as hereinbefore provided, from such Person's Salary in respect of such Emoluments, which Sum so to be fixed shall not exceed the Average Amount of such Emoluments for the Three last preceding Years.

Vice Treasurer of Ireland to transmit Accounts of his Execution of the Act.

XXIX. And be it further enacted, That the Vice Treasurer of *Ireland* shall at all Times, when required so to do by the Commissioners of His Majesty's Treasury, transmit to the said Commissioners Accounts of the Execution of this Act, and of all Matters and Things relating thereto, in his Execution of the Powers thereof, in such Manner and Form, and containing such Particulars, as he shall in that Behalf be from Time to Time directed.

Act not to give an absolute Right to Allowances, or to prevent Dismissal of Persons for Misconduct.

XXX. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to give any Person an absolute Right to Compensation for past Services, or to any Superannuation or Retiring Allowance under this Act, or to deprive the Commissioners of His Majesty's Treasury, and the Heads or Principal Officers of the respective Departments, of their Power and Authority to dismiss any Person from the Public Service without Compensation.

Act may be amended this Session.

XXXI. And be it further enacted, That this Act may be amended, altered, or repealed by any Act or Acts to be passed in this present Session of Parliament.

SCHE-

SCHEDULE referred to in the aforegoing Act.

OFFICES OR DEPARTMENTS.	EXCEPTIONS.
Treasury	Lords of the Treasury and Joint Secretaries.
Office of Vice Treasurer in Ireland.	
Office of Privy Council, Great Britain and Ireland	President of the Council.
Office of Committee for Trade	President and Vice President.
Offices of Secretaries of State	Secretaries and Under Secretaries.
Office of Secretary for Ireland	Chief Secretary, the Parliamentary Counsel for Irish Affairs.
Alien Office.	
Consuls General and Consuls restricted from being engaged in Trade.	
State Paper Office.	
Office of Registrar of Slaves.	
Police Offices in London and Middlesex and Borough of Southwark.	
Commander of the Forces Office, England and Ireland	Commander in Chief and his Secretary, and Officers acting under Military Commissions.
Quartermaster General's Office, ditto	
Adjutant General's Office, ditto	
War Office	Secretary at War.
Army Medical Board.	
Board of General Officers	Officers acting under Military Commissions.
Chaplain General's Office.	
Judge Advocate General's Office	Judge Advocate General.
Army Pay Office	Paymaster General.
Ordnance Office	Master General. Clerk of the Ordnance. Surveyor General. Principal Storekeeper. Secretary to Master General, and all Persons holding their Situations by Military Commission. Treasurer of the Ordnance.
Chelsea and Kilmainham Hospitals Royal Military College Royal Military Asylum	Persons who, being Military Officers, may be entitled to Full or Half Pay as such, subject, however, to the Provisions of this Act.
Admiralty and Naval Establishments at Home and Abroad	Lords of the Admiralty and Secretaries. Superintendents of Dock Yards and Victualling Yards, and Naval Medical Establishments or Hospitals, not having been employed in the Civil Service of the Navy prior to the Fifth Day of August One thousand eight hundred and twenty-nine, and Officers acting by virtue of Naval or Military Commissions or Warrants, and entitled to Half Pay.
Navy Pay Office	The Treasurer.
Tax Office and Stamp Office.	
Customs.	
Excise.	

OFFICES OR DEPARTMENTS.	EXCEPTIONS.
Post Office	The Postmaster General.
Royal Mint	The Master of the Mint.
Audit Office.	
Comptrollers of Army Accounts.	
National Debt Office.	
Office of Comptroller of the Exchequer	The Comptroller General.
Exchequer Bill Office.	
Stationery Office.	
Office of Woods, Forests, Works, &c.	First Commissioner.
King's Remembrancer's Office in the Exchequer of Scotland.	
Office of Auditor of the Exchequer of Scotland	Auditor.
Signet and Privy Seal Offices, Scotland.	
British and Irish Fishery.	
IRELAND.	
Office of Teller of the Exchequer	The Teller.
Commissariat	Persons holding Commissions entitling them to Half Pay, subject, however, to the Provisions of this Act.
Hibernian School for Soldiers Children.	
Board of Education.	
Privy Seal Office.	
Board of Charitable Donations and Bequests.	
Registrar of Deeds.	

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ANNO QUARTO & QUINTO

GULIELMI IV. REGIS.

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CAP. XXV.

An Act to alter and extend the Provisions of an Act passed in the Eleventh Year of the Reign of His late Majesty King *George* the Fourth, for amending and consolidating the Laws relating to the Pay of the Royal Navy. [25th *July* 1834.]

WHEREAS by an Act passed in the Eleventh Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to amend and consolidate the Laws relating to the Pay of the Royal Navy*, certain Petty Officers, under the Circumstances therein mentioned, amongst others, are empowered to receive their Pay by drawing Bills for the same at the Periods therein respectively provided: And whereas it is expedient that such Privilege should be extended to the several Petty Officers and other Persons herein-after mentioned belonging to His Majesty's Ships: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Thirtieth Day of *September* One thousand eight hundred and thirty-four it shall be lawful for every Mate, Midshipman, and Master's Assistant, although any such Person shall not have passed his Examination, and also for every Volunteer of the First Class, and for every Engineer and Assistant Engineer belonging to any Steam Vessel of His Majesty, at the End of every Six or Twelve Months, but not for a shorter Period than Six Months, to draw Bills periodically upon the Accountant General of the Navy for the net personal Pay which shall then be due to any such Person, but nevertheless under such Regulations, Limitations, and Restrictions as shall from

11 G. 4. c. 20.

The Authority to draw Bills for Pay extended to certain inferior Classes in the Navy;

Time to Time be established for that Purpose by the Commissioners for executing the Office of Lord High Admiral of the United Kingdom for the Time being: Provided always, that no Person authorized to make any Allotment of his Wages, or entitled to receive monthly Pay, under the Provisions of the said recited Act, shall be allowed to draw any such Bill as aforesaid for any Period during which any such Allotment shall be in force or in the Course of Payment, or during which he shall be in the Receipt of such monthly Pay.

but not to be allowed to Persons having made Allotments or being in the Receipt of monthly Pay.

II. And whereas by the said recited Act certain Officers therein mentioned, who have not Accounts to pass, are authorized to draw Bills quarterly for the Balance of their personal Pay, and certain other Officers are thereby authorized to draw Bills only for Three Fourths of their Pay: And whereas it is expedient to extend the Authority to draw for the Whole of their Pay to the several Officers herein-after mentioned; be it therefore further enacted, That from and after the Thirtieth Day of *September* One thousand eight hundred and thirty-four it shall be lawful for every Captain, Commander, Lieutenant, or Master commanding a Ship, Surgeon, Purser, and Assistant Surgeon acting as Surgeon, in the several Cases to be approved by the said Commissioners for executing the Office of Lord High Admiral aforesaid for the Time being, and under such Regulations, Limitations, and Restrictions as the said Commissioners shall from Time to Time establish, to draw a Bill upon the Accountant General of the Navy periodically for the net personal Pay which shall be then due to any such Officer: Provided always, that all Bills for personal Pay to be drawn under the Authority either of the said recited Act or this Act shall, from and after the Commencement of this Act, be drawn for such Periods of Time and up to such periodical Days in the Year as the said Commissioners for executing the Office of Lord High Admiral aforesaid shall from Time to Time fix and establish for that Purpose.

Certain Officers who formerly could draw for only Three Fourths authorized to draw for their whole Pay.

Bills to be drawn for such Periods as shall be fixed by the Admiralty.

III. And whereas by the said recited Act an Advance of Two Months Pay is authorized to be made to Volunteer Seamen and Landmen on the first fitting-out of the Ship in which they shall be appointed to serve: And whereas it is expedient to extend that Benefit to the several Persons herein-after mentioned; be it further enacted, That from and after the Thirtieth Day of *September* One thousand eight hundred and thirty-four Mates, Boatswains, Gunners, Carpenters, Second Masters, and Petty Officers shall be entitled to receive a similar Advance of Two Months personal Sea Pay at such Times, in the same Manner, and under the same Regulations, as Volunteeer Seamen and Landmen are allowed to receive the same.

Certain Warrant and Petty Officers entitled to Two Months Advance of Pay on the fitting-out of a Ship.

IV. And whereas by the said recited Act the Persons in whose Favour Allotments of Pay are authorized to be made are limited to certain Relatives of the Party making the Allotment as therein mentioned, and it is expedient to extend the said Act in this respect; be it therefore further enacted, That from and after the Thirtieth Day of *September* One thousand eight hundred and thirty-four the Party entitled to make any Allotment of his Pay shall be at liberty to make the same to or in favour of the following other Relatives and Persons;

Allotments may be made in favour of Brothers and other Relatives.

(that is to say,) a Brother, Sister, Grandfather, Grandmother, Mother-in-Law, and Child or Children of the Age of Eighteen Years or upwards, and to a Trustee or Trustees for the Support of any Child or Children under that Age.

Amount of Allotment to be fixed by the Admiralty.

V. And be it further enacted, That in all Cases whatever of Allotment to be made, either under the said recited Act or this Act, it shall be lawful for the said Commissioners for executing the Office of Lord High Admiral aforesaid from Time to Time to establish and fix the Amount of Pay to be allotted, not exceeding in any Case One Moiety of the monthly Wages of the Party making the Allotment.

Allotments may be stopped when there is any Debt until it is cleared.

VI. And be it further enacted and declared, That whenever any Person who shall have made an Allotment of his Wages under this or the said recited Act shall be found to be in Debt to the Public on the Ships Books or otherwise, it shall be lawful for the said Commissioners for executing the Office of Lord High Admiral to cause Payment under such Allotment to be stopped until such Person shall have been cleared of the Debt owing by him.

Remittance of Wages extended.

VII. And whereas by the said recited Act Petty Officers, Seamen, and Non-commissioned Officers of Marines and Private Marines, who shall not have made any Allotment of their Pay, are empowered to remit the Whole or any Part of the Pay due to them (except for the last Six Months) to the respective Relatives therein mentioned: And whereas it is expedient to extend the said Act in respect to such Remittances; be it therefore further enacted, That from and after the Thirtieth Day of *September* One thousand eight hundred and thirty-four it shall be lawful for any Petty Officer, Seaman, Non-commissioned Officer of Marines, or Marine, notwithstanding he may have made an Allotment of his Pay, to cause to be paid by Remittance in the Manner thereby provided any further Portion of his Pay which may remain due to him, except for the last Six Months, and that any such Remittance of Wages may be made payable either to any of the Relatives mentioned in the said recited Act, or to any Child or Children of the Age of Eighteen Years or upwards of the Party making the Allotment, or if under that Age then to a Trustee on the Behalf of such Child or Children; or any such Petty Officer, Seaman, Non-commissioned Officer of Marines, or Marine may, if he shall think fit, authorize any such Part of his Pay to be invested for his Benefit in such Savings Bank and under and subject to such Rules and Regulations as the said Commissioners for executing the Office of Lord High Admiral aforesaid shall from Time to Time fix and establish for that Purpose, consistently with the Safety and Convenience of the Public Service, and the Benefit of the Party desiring the Investment to be made.

Inspector's Duty as to Monies due to deceased Persons extended.

VIII. And whereas by the said recited Act, in order to avoid the Expence which the Relatives of deceased Officers, Seamen, and others may otherwise be put to in obtaining Payment of small Sums due to such deceased Persons, Provision is made for the Payment thereof without Probate or Letters of Administration in the several Cases therein mentioned, under a Certificate or Check to be issued by the Inspector of Seamen's Wills, which Officer by an Act passed in

in the Second Year of the Reign of His present Majesty, for amending the Laws relating to the Civil Departments of the Navy, is also empowered to issue a similar Certificate or Check in other Cases as therein mentioned: And whereas it is expedient to extend the said Provision to Cases not provided for by either of the said Acts, and to consolidate the Law upon this Subject; be it further enacted, That from and after the Thirtieth Day of *September* One thousand eight hundred and thirty-four, in the Case of the Death of any Commissioned, Warrant, or Petty Officer, Seaman, Commissioned or Non-commissioned Officer of Royal Marines, or Private Marine, or of any Widow entitled to a Pension on the Establishment of the Navy, or of any Person entitled to an Allowance from the Compassionate Fund, or of any Person having been employed in any of His Majesty's Dock Yards, Naval, Victualling, or Medical Establishments, or in any of the Civil Departments of the Navy, or of any Person entitled to any Prize Money, Bounty, Grant, or other Money in the Nature of Naval Prize, and respectively leaving Assets to be administered which shall not in the whole exceed the Sum of Thirty-two Pounds, it shall be lawful for the Inspector of Seamen's Wills in the Admiralty Office, after having satisfied himself, by due Investigation, of the Right of any Claimant to Probate of the Will if the Deceased shall have left a Will, or, in case of Intestacy, to Letters of Administration, and also on due Proof, to the Satisfaction of the Inspector, that the Assets of the Deceased to be administered do not in the whole exceed the Sum of Thirty-two Pounds, to issue a Certificate to that Effect and in Admission of the Claim, which Certificate shall be in such Form as by the Commissioners for executing the Office of Lord High Admiral aforesaid shall be deemed expedient, and so far as regards any Monies payable in the Naval Department, and not exceeding Thirty-two Pounds, shall have the same Force and Effect as a Probate of the Deceased's Will, or a Grant of Administration of the Deceased's Effects, could or might have; and that Payment to be made under the Authority of such Certificate of any Monies not exceeding the said Sum of Thirty-two Pounds, due to the Deceased on account of any Naval Pay or Wages, or Pay or Wages of the Ordinary, or any Marine Pay, or of any Half Pay, Pension, or Prize, or Bounty, Grant, or other Money in the Nature of Prize, or of any Allowance from the Compassionate Fund, or Monies due on account of the Deceased's Services, or Superannuation Allowances granted on Retirement from any Services in any of His Majesty's Dock Yards, Naval, Victualling, or Medical Establishments, or in any of the Civil Departments of the Navy, or any Department under the Direction of the said Commissioners, shall be valid and conclusive against all Parties as effectually as if the same had been paid under Probate or Letters of Administration, and shall be allowed to the Treasurer of the Navy in his Accounts.

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ANNO QUARTO & QUINTO

GULIELMI IV. REGIS.

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CAP. XXVI.

An Act to abolish the Practice of hanging the Bodies of Criminals in Chains.

[25th *July* 1834.]

WHEREAS by an Act passed in the Ninth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for consolidating and amending the Statutes in* England *relating to Offences against the Person*, it is amongst other things enacted, that the Body of every Person convicted of Murder shall after Execution either be dissected or hung in Chains, as to the Court which tried the Offender shall seem meet, and that the Sentence to be pronounced by the Court shall express that the Body of the Offender shall be dissected or hung in Chains, whichever of the Two the Court shall order: And whereas by a certain Act passed in the Tenth Year of the same Reign, intituled *An Act for consolidating and amending the Statutes in* Ireland *relating to Offences against the Person*, a like Provision is made with respect to Persons convicted of Murder in *Ireland*: And whereas by a certain Act made and passed in the Second and Third Year of the Reign of His present Majesty, intituled *An Act for regulating Schools of Anatomy*, so much of the Provision of the said recited Act made and passed in the Ninth Year of the Reign of His said late Majesty King *George* the Fourth as authorized the Court to direct that the Body of a Person convicted of Murder should after Execution be dissected is repealed, and instead thereof it was enacted, that in every Case of Conviction of any Prisoner for Murder the Court before which such Prisoner shall have been tried shall direct such Prisoner either to be hung in Chains or to be buried within the

9 G. 4. c. 31.

10 G. 4. c. 34.

2 & 3 W. 4 c. 75.

Precincts of the Prison in which such Prisoner shall have been confined after Conviction, as to such Court should seem meet; and that the Sentence to be pronounced by the Court should express that the Body of such Prisoner shall be hung in Chains or buried within the Precincts of the Prison, whichever of the Two the Court should order: And whereas it is expedient to amend the said recited Acts: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That so much of the said recited Act made and passed in the Ninth Year of the Reign of His Majesty King *George* the Fourth as authorizes the Court to direct that the Body of a Person convicted of Murder should after Execution be hung in Chains, and also so much of the said recited Act made and passed in the Tenth Year of the same Reign as authorizes the Court to direct that the Body of a Person convicted of Murder should after Execution be dissected or hung in Chains, and also so much of the said recited Act made and passed in the Second and Third Year of the Reign of His present Majesty as provides that in every Case of Conviction of any Prisoner for Murder the Court shall direct such Prisoner to be hung in Chains, shall be and the same is hereby repealed.

So much of recited Acts as authorizes the dissecting or hanging in Chains certain Criminals after Execution repealed.

II. And be it further enacted, That in every Case of Conviction in *Ireland* of any Prisoner for Murder the Court before which such Prisoner shall have been tried shall direct such Prisoner to be buried within the Precincts of the Prison within which such Prisoner shall have been confined after Conviction, and the Sentence to be pronounced by the Court shall express that the Body of such Prisoner shall be buried within the Precincts of such Prison.

On Conviction for Murder in Ireland the Court shall direct the Prisoner to be buried within the Prison.

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ANNO QUARTO & QUINTO

GULIELMI IV. REGIS.

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CAP. XXVII.

An Act for the better Administration of Justice in certain Boroughs and Franchises.

[25th *July* 1834.]

WHEREAS the Justices of the Peace acting in and for certain Boroughs and Franchises in that Part of the United Kingdom called *England*, not being empowered by Charter or otherwise to hear and determine Felonies at the General Sessions of the Peace held in and for such Boroughs and Franchises, are by Law required to send for Trial at the General Assizes for the County wherein such Borough or Franchise may be situated every Person charged with Felony, whereby the Administration of Justice is injuriously delayed, and the Expences to which the County in such Cases is liable are grievously increased; be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act the Justices of the Peace, and any such Justice acting in and for any Borough or Franchise in that Part of the United Kingdom called *England*, not being empowered by Charter or otherwise to hear and determine Felonies, shall and may commit every Person charged with any such Felony as the Court of Quarter Sessions may have Jurisdiction to try, to be tried at the General Quarter Sessions of the Peace for the County, Riding, or Division wherein such Borough or Franchise shall be situate, or at any Adjournment thereof; and the Justices of the Peace acting in and for such County, Riding, or Division are hereby empowered to try

Justices of the Peace acting for Boroughs may commit Persons for Felonies triable at Sessions.

Persons so committed at the General Quarter Sessions of the Peace held for such County, Riding, or Division, or at any Adjournment thereof.

Justices in Boroughs, &c. having Jurisdiction at Sessions over certain Felonies may commit to the Gaol of the County any Person charged with a Felony the Trial of which may legally take place at the Quarter Sessions, but to which the Jurisdiction of the Borough Justices does not extend.

II. And whereas the Justices of the Peace acting in and for certain Boroughs and Franchises in that Part of the said United Kingdom called *England* have Jurisdiction at the General Sessions of the Peace held in and for such Borough or Franchise to hear and determine divers Felonies, and it is expedient that any such Justice or Justices should have Power in certain Cases to commit for Trial, at the General Quarter Sessions of the Peace for the County, Riding, Division, or Shire in which such Borough or Franchise may be situate, any Person charged with Felony which the said Justices are not authorized or empowered to hear and determine at the General Sessions of the Peace held in and for such Borough or Franchise; be it therefore enacted, That from and after the passing of this Act it shall and may be lawful to and for a Justice or for Justices of the Peace acting in any of the said last-mentioned Boroughs or Franchises to commit to the Gaol of the County, Riding, Division, or Shire in which such Borough or Franchise may be situate, to be tried at the General Quarter Sessions of the Peace in and for such County, Riding, Division, or Shire, any Person charged with a Felony which the said Court of Quarter Sessions may have Jurisdiction to try, and to the Trial of which the Jurisdiction of the Justices of such Borough or Franchise at the General Sessions of the Peace in and for such Borough or Franchise does not extend; and the Justices of the Peace acting in and for such last-mentioned County, Riding, Division, or Shire are hereby authorized and empowered to try any such Person so committed as last aforesaid at the General Quarter Sessions of the Peace held in and for such County, Riding, Division, or Shire.

In Places having a Recorder and a fit Prison, the Magistrates shall commit to such; and the Quarter Sessions of such Places shall have Authority to punish Offenders.

III. And be it further enacted, That in all such Towns or Franchises which have a Recorder and a Prison fit for the Confinement of Prisoners the Magistrates of such Town or Franchise shall commit to the Prison of such Town all Persons charged with having committed within such Town or Franchise any Felony or Misdemeanor which might if the same had been committed out of such Town or Franchise and within the Body of any County have been tried by the Justices of Quarter Sessions of such County; and the Court of Quarter Sessions of such Town or Franchise shall have the same Authority to inquire of, hear, determine, and punish any Persons charged with such Felonies or Misdemeanors as the Courts of Quarter Sessions of Counties have; which Quarter Sessions the Justices for such Town or Franchise are hereby required to hold.

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ANNO QUARTO & QUINTO

GULIELMI IV. REGIS.

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CAP. XXVIII.

An Act to amend the Laws relative to Marriages celebrated by Roman Catholic Priests and Ministers not of the Established Church, in *Scotland*.

[25th *July* 1834.]

WHEREAS an Act was passed in the Parliament of *Scotland* in the First Session of the First Parliament of King *Charles* the Second, intituled *Act against clandestine and unlawful Marriages;* and another Act was passed in the Seventh Session of the said First Parliament of King *William*, intituled *Act against clandestine and irregular Marriages:* And whereas by the said recited Acts, or One or other of them, Roman Catholic Priests, and other Ministers not of the Established Church of *Scotland*, celebrating Marriages, and Persons married by such Clergymen, in *Scotland*, are rendered liable to certain Punishments, Pains, and Penalties: And whereas it is expedient that the said Acts should be altered and amended: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act, so much of the said recited Acts as prohibits the Celebration of Marriages in *Scotland* by Roman Catholic Priests or other Ministers not belonging to the Established Church of *Scotland*, or imposes any Fine,

1 Parl. Car. 2. Sess. 1. c. 34. An. 1661. 1 Parl. Will. Sess. 7. c. 6. An. 1698.

So much of recited Acts as prohibits Marriages by Roman

Catholic Priests in Scotland repealed.

Fine, Pain, or Penalty on Persons so married, or on the Priests or Ministers celebrating such Marriages or marrying such Persons, shall be and it is hereby repealed.

Persons in Scotland may be married by Priests not of Established Church.

II. And be it enacted, That it shall be lawful to all Persons in *Scotland*, after due Proclamation of Banns there, to be married by Priests or Ministers not of the Established Church, and also for such Priests or Ministers to celebrate Marriages without being subject to any Punishment, Pains, or Penalty whatever; any thing in the said recited Acts, or in any other Act or Acts of Parliament, to the contrary notwithstanding.

Recited Acts to remain in force.

III. And be it enacted, That the said recited Acts shall, excepting in so far as the same have already been or are hereby repealed or altered, remain in full Force, Authority, and Effect.

Act may be altered this Session.

IV. And be it further enacted, That this Act may be amended, varied, or repealed by any Act or Acts to be passed in the present Session of Parliament.

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ANNO QUARTO & QUINTO

GULIELMI IV. REGIS.

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CAP. XXIX.

An Act for facilitating the Loan of Money upon Landed Securities in *Ireland*. [25th *July* 1834.]

WHEREAS in last Wills and other Testamentary Dispositions, and in Marriage and other Settlements of Real and Personal Property, and in other Deeds, Agreements, or Writings, a Direction, Trust, or Power is often given, created, or reserved to lay out or invest Money at Interest on Real Securities, in *England*, *Wales*, or *Great Britain*, or to sell and convert into Money Real or Leasehold Estates, or Government or Parliamentary Securities, or Securities of Foreign States, or other Property, and to lay out or invest the Money arising from such Sale and Conversion on Real Securities: And whereas from the Abundance of Capital in *Great Britain* the Interest of Money is very much reduced, and the Interest to be procured on Money in *Ireland* is much higher than the Interest to be procured on Money in *Great Britain*: And whereas manifest Improvement has taken place in the Condition and Security of Landed Property in *Ireland*, which it is desirable to encourage and advance: And whereas it would be highly beneficial to both *Great Britain* and *Ireland* if the Loan of Money on Landed Securities in *Ireland* was facilitated: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act it shall be lawful for any Person or Persons who, under or by virtue of any Direction, Trust,

Power to lend Money on Real Se-

curities in Ireland the same as in England, &c.

Trust, or Power already given, created, or reserved, or hereafter to be given, created, or reserved as aforesaid, is or are or shall be authorized or directed to lend Money at Interest on Real Securities, in *England*, *Wales*, or *Great Britain*, to lend the same or any Part thereof at Interest on Real Securities in *Ireland* in the same Manner in all respects as if such Investment had been expressly authorized in or by such Direction, Trust, or Power as aforesaid; and such Person or Persons shall not, on account of his or their so lending Money on Real Securities in *Ireland*, be considered in a Court of Equity guilty of any Breach of Trust, or held accountable further or otherwise than if the Money had been laid out by him or them on Real Securities in *England*, *Wales*, or *Great Britain*.

Proviso for Loans where Minors, &c. are interested.

II. Provided always, and be it further enacted, That all Loans of Money on Real Securities in *Ireland* under this Act in which any Minor or unborn Child or Person of unsound Mind is or may be interested shall be made by the Direction and under the Authority of the Court of Chancery or Exchequer in *England*, such Direction or Authority being obtained in any Cause upon Petition in a summary Way.

Loans by Trustees, or Public Bodies.

III. And be it further enacted, That in all Cases of Trustees or Public Bodies lending Money on Real Securities in *Ireland* under the Authority of this Act, it shall be lawful for any Court of Equity in *England* to make all such Orders and Decrees for enforcing Payment of the Principal and Interest thereby secured, or any Part thereof, as if the said Lands and Hereditaments were situate in *England* or *Wales*; and it shall be lawful for the Party or Parties obtaining such Orders or Decrees to cause a Copy of such Orders or Decrees, under the Seal of the Court by which the same shall have been made, to be exemplified, and certified to the Lord Chancellor, Lord Keeper or Lords Commissioners of the Great Seal of *Ireland* for the Time being, or to the Barons of His Majesty's Court of Exchequer in *Ireland*, whereon the said Lord Chancellor, Lord Keeper or Lords Commissioners for the Custody of the said Great Seal of *Ireland*, or the said Barons of the said Court of Exchequer in *Ireland*, shall forthwith cause such Copy of such Order or Decree, when it shall be presented to them respectively so exemplified, to be enrolled, either in the Rolls of the Court of Chancery or in the said Court of Exchequer, as the Case may be, and shall cause all such Process to issue against the said Lands and Hereditaments comprised in the said Securities, and the Party or Parties against whom such Decrees or Orders shall be obtained, and his, her, or their Real and Personal Estate, Goods, Chattels, and Effects, in *Ireland*, in order to enforce Obedience to and Performance of the same, in such Manner and Form, and with such Force and Effect, as if the Cause wherein such Order or Decree shall have been made had been originally cognizable by and instituted in the said Courts of Chancery or Exchequer in *Ireland*; and it shall be lawful for the said Lord Chancellor, Lord Keeper or Lords Commissioners of the Great Seal in *Ireland*, or the said Barons of the said Court of Exchequer in *Ireland*, to make such Order or Orders in respect of or consequent upon such Process against the Party or Parties, or in respect of the said Lands, or the

Real and Personal Estate, Goods, Chattels, or Effects of the said Party or Parties, as he or they shall from Time to Time think fit, or for Payment of all or any of the Monies levied or received by virtue thereof into the Bank of *Ireland*, with the Privity of the Accountant General of the said Courts of Chancery and Exchequer in *Ireland* respectively, to the Credit or for the Benefit of the Party or Parties who shall have obtained such Order or Decree, or to the Credit of the Cause in which such Order or Decree shall have been made; and the Governor and Company of the Bank of *Ireland* are hereby authorized and required to receive and hold all such Monies, subject to the Orders of the said Court of Chancery in *Ireland*: Provided always, that no such Monies shall be charged with or subject to Poundage for the Usher of the said Court of Chancery in *Ireland*, or otherwise, where the same shall be paid out by Order of the said last-mentioned Court: And provided always, that no Security for Costs shall be required to be given in *Ireland* by any Party or Parties enforcing in manner aforesaid the Execution of such Orders or Decrees of any Court of Equity in *England* as herein-before mentioned.

Consent of Persons interested to be had.

IV. Provided always, and be it enacted, That every such Loan shall be made with the Consent of the Person or Persons, if any, whose Consent may be required as to the Investment of such Money upon Real Securities in *England*, *Wales*, or *Great Britain*, testified in the Manner required by such Direction, Trust, or Power.

To what Cases Act not to extend.

V. Provided also, and be it enacted, That the Provisions of this Act shall not apply to any Case in which such Direction, Trust, or Power as aforesaid doth or shall or may contain any express Restriction against the Investment of such Money as aforesaid on Securities in *Ireland*.

Act not to relieve Persons intrusted with Trust or Power from Responsibility as to Title, &c.

VI. Provided always, and be it further enacted, That nothing contained in this Act shall relieve or be construed to relieve any Person or Persons intrusted or clothed with such Direction, Trust, or Power as aforesaid from any Responsibility as to Title, Security, or otherwise, either at Law or in Equity, save that having lent and advanced such Money as aforesaid on Real Securities in *Ireland* instead of having invested such Money on Real Securities in *England*, *Wales*, or *Great Britain*.

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ANNO QUARTO & QUINTO

GULIELMI IV. REGIS.

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CAP. XXX.

An Act to facilitate the Exchange of Lands lying in Common Fields. [25th *July* 1834.]

WHEREAS it is expedient to facilitate the Exchange of Pieces of Land lying intermixed and dispersed in Common Fields, Meadows, or Pastures, for other Pieces of Land, either lying therein, or being Part of the inclosed Lands in the same or any adjoining Parish: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act it shall be lawful for any Person who shall be seised or possessed of or entitled in possession to any Land in any Common Field, as Tenant in Fee Simple, or in Fee Tail, General or Special, or for Life or Lives, or by the Curtesy of *England*, or for any other Estate of Freehold, or for Years determinable on any Life or Lives, or for any Term of Years whereof One hundred Years shall be unexpired, and for the Guardian, Trustee, Feoffee for charitable or other Uses, Husband, or Committee of such Person who at the Time of making any Exchange authorized by this Act shall be an Infant, Idiot, Lunatic, or Feme Covert, or under any other Disability, by such Deed and with such Consent as herein-after mentioned to grant and convey such Land or any Part thereof to any other Person in lieu of and in exchange for any other Land, whether lying in the same or any other Common Field, or for any

Proprietors of Lands in Common Fields may exchange the same.

inclosed Land lying within the same or any adjoining Parish, and to accept and take from such other Person any Land in lieu of and in exchange for the Land in such Common Field.

All Persons enabled to give Land in exchange for such Common Field Land.

II. And be it further enacted, That it shall be lawful for any Person who shall be seised or possessed of or entitled in possession to any Land which it may be desirable to exchange for the Land in such Common Field, whether such Person shall be Tenant in Fee Simple, or in Fee Tail, General or Special, or for Life or Lives, or by the Curtesy of *England*, or for any other Estate of Freehold, or for Years determinable on any Life or Lives, or for any Term of Years whereof One hundred Years shall be unexpired, and for the Guardian, Trustee, Feoffee for charitable or other Uses, Husband, or Committee of such Person who shall be an Infant, Idiot, Lunatic, or Feme Covert, or under any other Disability, to consent and agree to such Exchange, and to grant and convey such Land to the Person proposing to make such Exchange in lieu of and in exchange for the Land lying in such Common Field, subject to the Provisions herein-after contained.

Land given in exchange by Persons having limited Interests to be of equal Value with Lands taken.

III. Provided always, and be it further enacted, That when any such Exchange shall be made by any Person having a less Estate or Interest than in Fee Simple in the Land to be by him granted or conveyed in exchange, or shall be made by any Person under any Disability, the Land to be so taken in exchange shall at the Time of making such Exchange be, or shall by the Payment of a sufficient Sum for Equality of Exchange be made, of equal Value with or not of less Value than the Land to be granted or conveyed in exchange.

If Exchange made by any Person having only a limited Interest, or being under Disability, the Consent of the Person next in Remainder to be obtained.

IV. And be it further enacted, That whenever any Exchange shall be proposed to be made under the Authority of this Act, and either of the Parties thereto shall have a less Estate or Interest in the Land to be by him granted or conveyed in exchange than a Fee Simple, or shall be under any Disability, such Exchange shall not be completed unless the Person to whom the next immediate vested Estate of Freehold in Remainder or Reversion shall have been limited (provided such Person shall be of the full Age of Twenty-one Years, and being a Female shall be unmarried,) shall consent thereto, and shall testify such Consent by signing the Draft Deed of Exchange herein-after mentioned, and such Consent shall be sufficient for the Purpose of authorizing such Exchange notwithstanding the Person giving the same may have an Equitable Estate only in the Land intended to be conveyed in exchange, or may have previously disposed of or charged or incumbered his Reversionary Estate therein: Provided always, that if the Person to whom such next immediate vested Estate in Remainder or Reversion may have been limited shall at the Time of such Exchange happen to be an Infant or Feme Covert, or an Idiot or Lunatic, then and in such Case it shall be lawful for the Guardian or Husband or Committee of such Infant, Feme Covert, Idiot, or Lunatic (such Guardian, Husband, or Committee not being himself the Person by whom the Exchange is proposed to be made) to consent to such Exchange,

In case the Person next in Remainder should be an Infant, &c.

and

and to sign the Draft Deed of Exchange in his or her Stead; Provided further, that whenever the Guardian or Husband or Committee of such Infant, Feme Covert, Idiot, or Lunatic shall himself be the Person by whom such Exchange is proposed to be made, then and in such Case it shall be lawful for the Court of Chancery, upon Petition, to be preferred to the said Court in a summary Way, to appoint a Person to act as Protector to such Infant, Feme Covert, Idiot, or Lunatic for the Purposes of this Act, and, if he shall think fit so to do, to consent to such Exchange, and to sign the Draft Deed of Exchange in the Stead of such Infant, Feme Covert, Idiot, or Lunatic, or of his or her Guardian, Husband, or Committee.

Consent of Patron and Bishop necessary for Exchange of Land held in right of a Church.

V. Provided always, and be it further enacted, That no Exchange shall be made of any Land held in right of any Benefice, without the Consent of the Patron thereof, and of the Archbishop or Bishop to whose ordinary or peculiar Jurisdiction the said Benefice may be subject, such Consent to be signified by the Patron and Archbishop or Bishop respectively signing the Draft Deed of Exchange herein-after mentioned; and such Consent, when so given and signified, shall be a sufficient Authority for such Exchange, any Law or Statute to the contrary notwithstanding: Provided always, that if the Patronage of such Benefice shall happen to be in the Crown, and the Benefice shall exceed the yearly Value of Twenty Pounds in the King's Books, it shall be lawful for the Lord High Treasurer or the First Lord Commissioner of the Treasury for the Time being, but if it shall not exceed the yearly Value of Twenty Pounds in the King's Books, then for the Lord High Chancellor, Lord Keeper, or Lords Commissioners of the Great Seal for the Time being, to consent to such Exchange and to sign the Draft Deed of Exchange on behalf of the Crown, and if the Patronage of such Benefice shall happen to be in the Crown in right of the Duchy of *Lancaster* it shall be lawful for the Chancellor for the Time being of the said Duchy to consent to such Exchange and to sign the Draft Deed of Exchange on behalf of the Crown; and if the Patronage of such Benefice shall be Part of the Possessions of the Duchy of *Cornwall* it shall be lawful for the Duke of *Cornwall* for the Time being, if of full Age, but if not of full Age, or in case such Benefice shall be within the Patronage of the Crown in right of the Duchy of *Cornwall*, then for the same Person who is herein-before authorized to consent on behalf of the Crown in respect of a Benefice in the Patronage of the Crown to consent to such Exchange and to sign the Draft Deed of Exchange on behalf either of the Duke of *Cornwall*, or, as the Case may be, on behalf of the Crown in right of the Duchy of *Cornwall*; and if the Patron of such Benefice shall happen to be a Minor, Idiot, Lunatic, or Feme Covert, it shall and may be lawful for the Guardian, Committee, or Husband of such Patron to consent to such Exchange and to sign the Draft Deed of Exchange in the Stead of such Patron, and on his or her Behalf.

Draft Deed of Exchange to be signed or sealed by Ecclesiastical

VI. Provided always, and be it further enacted, That no Exchange shall be made under the Authority of this Act by any Bishop, Dean, or other Head of a Chapter, Archdeacon, Prebendary, or other Ecclesiastical Corporation sole, unless, in the Case of a Bishop, with the

Person or Corporation consenting.

the Consent of the Archbishop of the Province, to be signified by such Archbishop signing the Draft Deed of Exchange herein-after mentioned, or unless, in the Case of a Dean or other Head of a Chapter, with the Consent of the Chapter, to be signified by their affixing their Common Seal to the said Draft Deed of Exchange, or unless, in the Case of an Archdeacon, Prebendary, or other Ecclesiastical Corporation Sole, with the Consent of the Archbishop or Bishop of the Diocese, to be signified by such Archbishop or Bishop signing the said Draft Deed of Exchange.

Exchange to be made in the Form given in the Schedule.

VII. And be it further enacted, That every Exchange under the Authority of this Act shall be made according to the Form in the Schedule to this Act annexed, or as near thereto as the Number of Parties and the Circumstances of the Case will admit, and shall, when executed by the respective Parties, be valid and effectual in the Law to all Intents and Purposes, without Livery of Seisin made or taken, or any other Act done, by any Person or Party to perfect or complete the same.

In case of Copyholds, the Deed of Exchange to be entered on the Court Rolls.

VIII. Provided always, and be it further enacted, That whenever any Land held by Copy of Court Roll shall be exchanged under the Authority of this Act, the Deed of Exchange, when executed by the respective Parties, shall be produced to the Lord of the Manor of which the Land may be Parcel, or to his Steward, or to the Deputy of such Steward, who shall cause the same to be entered on the Court Rolls of the Manor.

Fees to Stewards.

IX. And be it further enacted, That the Fees and Charges to be demanded by and paid to any Steward of a Manor for entering on the Court Rolls of such Manor any Deed of Exchange or other Instrument required by this Act to be entered thereon shall not exceed the Sum of Sixpence for every Law Folio of Seventy-two Words contained in such Deed or other Instrument.

In case of Church Lands, Deed to be entered in the proper Ecclesiastical Registry.

X. And be it further enacted, That whenever any Exchange shall be made under the Authority of this Act by any Archbishop, Bishop, Dean or other Head of a Chapter, Dean or other Head of a Chapter and Chapter, Archdeacon, Prebendary, or other Ecclesiastical Corporation, or by the Incumbent of any Benefice, the Deed of Exchange, when executed by the respective Parties, shall, in the Case of the Exchange being made by an Archbishop or Bishop, be entered in his own Registry, and in the Case of the Exchange being made by a Dean or other Head of a Chapter, or by a Dean or other Head of a Chapter and Chapter, be entered in the Registry of such Chapter, and in the Case of the Exchange being made by an Archdeacon, Prebendary, or other Ecclesiastical Corporation, or by the Incumbent of a Benefice, be entered in the Registry of the Bishop of the Diocese.

Office Copies of Instruments deposited in the Registry to be Evidence.

XI. And be it further enacted, That an Office Copy of any Deed of Exchange or other Instrument which under the Provisions of this Act shall be entered on any such Registry as aforesaid (such Office Copy being certified by the Registrar or his Deputy) shall be

allowed as Evidence thereof in all Courts and Places, and every Person shall be entitled to require any such Office Copy, and shall also be allowed at all usual and proper Times to search for and inspect any Deed of Exchange or other Instrument which shall be so entered; and the Registrar shall be entitled to charge for the Entry of every such Deed of Exchange or other Instrument after the Rate of Sixpence for every Law Folio of Seventy-two Words contained therein, and the Sum of One Shilling, and no more, for allowing any such Search or Inspection as aforesaid, and after the Rate of Sixpence for every Law Folio of Seventy-two Words in any Office Copy to be made and certified as aforesaid.

Draft of intended Exchange to be deposited with the Clerk of the Peace, and Notice thereof inserted in some Newspaper circulating in the County.

XII. And be it further enacted, That before any Exchange shall be made under the Authority of this Act a Draft of the intended Deed of Exchange, containing a correct Description of the several Lands proposed to be exchanged, and signed by the respective Parties, and also by the several Persons whose Consent to such Exchange is herein-before required to be given, and accompanied by an Estimate of the Value as well of the Land proposed to be given as of the Land proposed to be taken in exchange, and whenever the Exchange shall be proposed to be made by or with any Person under Disability, then accompanied also by a Copy of the several Limitations contained in the Deed or Will under which such Person may be entitled, shall be deposited with the Clerk of the Peace of the County in which the greater Part of the Land may be situated; and a Notice of such Draft and Estimate having been so deposited (such Notice containing a Description of the Land intended to be exchanged) shall be published in some Newspaper usually circulated in the County wherein such Land is situated at Three several Times in Three successive Months after such Draft and Estimate shall have been so deposited: Provided always, that whenever a Corporation Aggregate shall be one of the Parties to such proposed Exchange, or the Consent of a Corporation Aggregate shall be necessary thereto, the affixing of the Common Seal of such Corporation to such Draft Deed of Exchange shall be deemed a sufficient Compliance with the Provisions of this Act.

Proviso as to certain Corporations.

Persons having any Objections to deposit them with the Clerk of the Peace within a certain Time.

XIII. And be it further enacted, That if any Person claiming to have an Interest in the Land proposed to be exchanged shall object to such Exchange, it shall be lawful for him to state such Objection in Writing, and to deposit the same with the Clerk of the Peace at any Time not less than Fourteen Days before the holding of the Assizes at which such proposed Exchange shall be taken into consideration as herein-after mentioned; and such Draft Deed of Exchange, and Estimate, and Copy of Limitations, and the said Statement of Objection, shall be open to the Inspection of any Person.

Fees to be taken by Clerks of the Peace.

XIV. And be it further enacted, That the Justices of the Peace for the several Counties, Ridings, Divisions, Cities, Towns, Liberties, and Precincts within *England* and *Wales*, shall in the Manner directed by an Act passed in the Fifty-seventh Year of the Reign of King *George* the Third, intituled *An Act to enable Justices of the Peace to settle the Fees to be taken by the Clerks of the Peace of the respective*

Counties and other Divisions of England *and* Wales, ascertain, make, and settle a Table of Fees and Allowances to be taken by the Clerks of the Peace for such Counties, Ridings, Divisions, Cities, Towns, Liberties, and Precincts, for their Trouble in the Execution of the Duties imposed upon them by this Act, and such Fees shall be subject to Alteration and Regulation in the Manner by the said Act directed.

Clerk of the Peace to cause the Draft Deed, &c. to be laid before a Judge of Assize, who shall appoint a Barrister to consider the same.

XV. And be it further enacted, That the Clerk of the Peace shall cause the said Draft Deed of Exchange, Estimate, and Statement of Objection (if any), and all other Papers relating thereto, to be laid before the senior Judge of Nisi Prius at the Assizes to be holden next after the Expiration of Three Months from the Time of the Deposit of such Draft Deed of Exchange with the Clerk of the Peace as aforesaid; and such Judge shall appoint a Barrister, of not less than Five Years standing, for taking into consideration the said Draft Deed and Statement, who shall forthwith appoint a Time for that Purpose.

Barrister may summon Witnesses. False swearing Perjury.

XVI. And be it further enacted, That such Barrister shall be empowered to summon and to compel the Attendance of Witnesses, and to administer an Oath; and that any Person wilfully swearing falsely before such Barrister shall be liable to all the Penalties of wilful Perjury.

Barrister to examine Witnesses, and determine Objections.

XVII. And be it further enacted, That such Barrister shall satisfy himself, by the Production of Deeds, the Examination of Witnesses, or by such other Evidence as he shall think fit to require, of the Value of the Lands proposed to be exchanged, and that the Person proposing to make such Exchange is not under any Disability, or if he is that the Person stated to have the next immediate vested Estate of Freehold in Reversion or Remainder has such Estate, and that the Notices and the Consents required by this Act have been duly given; and such Barrister shall hear and determine all Objections (if any) which may have been made by any Person claiming to have an Interest in the Land proposed to be exchanged.

After Inquiry the Barrister to certify as the Case may be.

XVIII. And be it further enacted, That after such Inquiry shall have been had before such Barrister he shall grant a Certificate under his Hand, in which he shall state that the Parties proposing to make such Exchange are not under any Disability, or if they are, or either of them is under Disability, that the Persons or Person having the next immediate vested Estate of Freehold in Remainder or Reversion have concurred therein, that the Persons whose Consents are required under this Act have consented to the Exchange, and that the Equality and Fairness of the proposed Exchange have been proved, or otherwise, as the Case may be; and he shall suggest in such Certificate such Alterations as to him may seem expedient for the better protecting the Rights of Parties having an Interest in the Lands proposed to be exchanged.

In case of an Exchange in which there shall

XIX. And be it further enacted, That in any Case of an Exchange to be made under this Act in which there shall be a Difference of not more than One Fifth in the Value of the Lands proposed to be

exchanged, it shall be lawful for the said Barrister to allow or insert a Provision in such Exchange for the Payment in Money of such Difference in Value: Provided always, that no Exchange shall be made under the Authority of this Act in which there shall be a Difference of more than One Fifth Part in the Value of the Lands proposed to be exchanged. (be a Difference in Value of not more than One Fifth.)

XX. And be it further enacted, That the said Certificate, together with the said Draft Deed of Exchange, and Estimate, and such Statement of Objections, if any, and all other Papers relating thereto, shall be laid before the said Judge of Assize, who shall thereupon make such Order therein, either for confirming the said Exchange, or for annulling the same, or for altering the same, as to him may seem expedient; and the said Draft Deed of Exchange when so confirmed or altered by the said Order shall be immediately engrossed and executed by the necessary Parties, and shall, when so executed, be binding upon the Owners and Proprietors of the Pieces of Land so exchanged, and all other Parties interested therein: Provided always, that before making such final Order it shall be lawful for such Judge to institute or cause to be instituted such further Inquiry, by the Means aforesaid, into the several Matters relating to any such Agreement, as he may think necessary. (Certificate, with Draft Deed, &c. to be laid before the Judge, who shall make Order thereupon.) (Judge may institute further Inquiry.)

XXI. Provided also, and be it enacted, That such Barrister shall further certify to the said Judge by whom and in what Proportions the Costs and Charges of such Proceedings relative to such Agreement ought to be borne, and thereupon the said Judge shall make such Order for Payment of such Costs and Charges as he may think right: Provided always, that in the Case of any Disagreement respecting the Amount of such Costs, such Costs shall be taxed by the Master or Secondary of the Court of King's Bench. (Costs and Charges of Proceedings.)

XXII. And be it further enacted, That every Barrister before whom any Inquiry shall be had under the Authority of this Act shall be entitled to be paid at the Rate of Five Guineas for every Day that he shall be employed in making such Inquiry, over and above his travelling and all other Expences; and every such Barrister shall after the Termination of such Inquiry transmit a Statement of the Number of Days during which he shall have been so employed, and an Account of the travelling and all other Expences incurred by him in respect of such Employment, to the Judge by whom he shall have been appointed, or, in case of the Death or Illness or Retirement of such Judge, to any other Judge of the Superior Courts of Record at *Westminster*, who shall examine and allow the same, or so much or such Parts thereof as he shall see fit; and the same when so allowed shall be paid in the same Manner as the other Costs and Charges incident to such Exchange are hereinbefore directed to be paid: Provided always, that if more than One Case of Exchange shall be referred to the same Barrister, the Remuneration to such Barrister shall not be cumulative, but shall be considered as fixed for the Day and not for the Case. (Remuneration to Barrister.)

XXIII. And

Application of Money paid for Equality of Exchange when Party entitled to same under Disability.

XXIII. And be it further enacted, That in case any Money shall be directed to be paid by either Party to the other of them for Equality of Exchange, and the Party to whom such Money shall be directed to be paid shall (in case it shall exceed the Sum of Twenty Pounds) be paid with all convenient Speed into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to his Account there *ex parte* the Person entitled to the Rents and Profits of the Land for or in respect of which such Money shall be payable, to the Intent that such Money shall be applied, under the Direction of the Court, to be signified by an Order made in a summary Way upon a Petition to be preferred by or on behalf of the Person who would have been entitled to the Rents and Profits of the said Land, either in the Purchase or Redemption of the Land Tax, or in discharging any Debt or Incumbrance affecting the said Land, or affecting any other Lands standing settled therewith to the same or the like Uses, or in the Purchase of other Lands, which shall be conveyed to the same or the like Uses, or such of them as shall be then subsisting and capable of taking effect; and in the meantime and until such Purchase shall be made the said Money shall, by Order of the said Court, upon Application thereto, be invested by the said Accountant General in his Name in some of the Public Funds, and the Dividends thereof shall from Time to Time be paid to the Person who would have been entitled to the Rents of the Land so to be purchased and settled; but in case such Money shall not exceed the Sum of Twenty Pounds, then the same shall be paid to the Person entitled to the Rents and Profits of the Land for or in respect of which the same may be payable, or in case of Infancy, Lunacy, Idiotcy, or Coverture, to his or her Guardian, Committee, or Husband, as the Case may be.

Lands given in exchange to be exonerated from the Uses affecting them at the Time, and to become subject to such Uses as affected the Lands taken.

XXIV. And be it further enacted, That from and immediately after such Deed of Exchange as herein-before is mentioned shall have been duly executed by the necessary Parties, the Land which by such Deed is given in exchange shall be exonerated and discharged from the Uses, Trusts, Powers, Conditions, Limitations and Restrictions, Charges and Incumbrances then affecting the same, and shall be and become subject to such and the same Uses, Trusts, Powers, Conditions, Limitations and Restrictions, Charges and Incumbrances, as affected the Land taken in exchange at the same Date; and the Land so taken in exchange shall be exonerated and discharged from all Uses, Trusts, Powers, Conditions, Limitations and Restrictions, Charges and Incumbrances then affecting the same, and shall be and become subject to such and the same Uses, Trusts, Powers, Conditions, Limitations and Restrictions, Charges and Incumbrances as affected the Lands given in exchange at the same Time.

After Exchange Party not to be evicted.

XXV. And be it further enacted, That no Person to whom any Land shall have been granted or conveyed in exchange according to the Provisions of this Act shall at any Time thereafter be evicted from the peaceable and quiet Possession of such Land by reason or in consequence of any Person claiming Right thereto through any Title prior to that of, or through any Defect of Title in, the Person by

by whom such Land may have been granted or conveyed; but nevertheless it shall be lawful for the Person claiming such Right, and he is hereby authorized and empowered, to use, exercise, and enjoy all such and the same Powers and Remedies in trying his Right to and in obtaining and recovering Possession of the Land which shall have been granted or conveyed in exchange as the Person so claiming would in case this Act had not been made have been enabled to use, exercise, or enjoy in trying the Right to and recovering the Possession of the Land in exchange for which the same shall have been so granted or conveyed under the Authority of this Act.

General Saving.

XXVI. Saving always to the King's most Excellent Majesty, His Heirs and Successors, and to all and every other Person, Bodies Politic, Corporate, and Collegiate, his and their Heirs, Successors, Executors, and Administrators, (other than and except the several Owners and Proprietors of the said exchanged Lands, and the several Persons and Parties who shall have consented to such Exchange, and all other Persons claiming under them, or under the same Will or Deed or other Conveyance as the said Owners and Proprietors, any Right, Title, Estate, or Interest to or in the said exchanged Lands,) all such Estate, Right, Title, Interest, Claim, and Demand whatsoever as they, every or any of them had before the making and confirming of any such Exchange, or could or might have had or enjoyed in case such Exchange had not been made.

Meaning of Words in the Act.

XXVII. And be it further enacted, That the Words and Expressions herein-after mentioned, which in their ordinary Signification have a more confined or a different Meaning, shall in the Construction of this Act, except where the Nature of the Provision or the Context of the Act shall exclude such Construction, be interpreted as follows; that is to say, the Word "Person" shall extend as well to an Individual as to a Body Politic, Corporate, or Collegiate, and to a Corporation as well Aggregate as Sole, whether such Corporation be Eleemosynary or Civil, Ecclesiastical or Lay; the Word "Benefice" shall extend to and be taken to comprehend Rectories, Vicarages, Donatives, Perpetual Curacies, Parochial and Consolidated Chapelries, District Parishes and District Chapelries, and Churches and Chapels having a District assigned thereto; the Word "Land" shall extend to every Species of Land, whether Arable, Meadow, or Pasture, and whether Freehold, Copyhold, or Customary, or held by any other Tenure, and as well to one Piece or Parcel as to any Number of Pieces or Parcels of Land; and every Word importing the Singular Number only shall extend and be applied to several Persons or Things as well as one Person or Thing; and every Word importing the Masculine Gender only shall extend and be applied to a Female as well as a Male.

To extend to England and Wales.

XXVIII. And be it further enacted, That this Act shall extend only to that Part of the United Kingdom called *England* and *Wales*.

Act may be altered this Session.

XXIX. And be it further enacted, That this Act or any of the Provisions thereof may be altered or repealed by any Act to be passed in this present Session of Parliament.

The SCHEDULE to which the foregoing Act refers.

This Indenture, made the Day of in the Year between *A.B.* of of the one Part, and *C.D.* of of the other Part, witnesseth, that in pursuance and under the Authority of an Act passed in the Year of the Reign of His Majesty King William the Fourth, intituled [*here set forth the Title of this Act*], the said *A.B.* doth grant and convey all the Land comprised in the First Schedule hereunder written, marked with the Letter A., unto the said *C.D.*, in lieu of and in exchange for the Land comprised in the Second Schedule hereunder written, marked with the Letter B., to the End and Intent that the Land comprised in the First Schedule may be held and enjoyed by the said *C.D.* and the Person or Persons who for the Time being shall be entitled thereto, and be and become subject to such and the same Uses, Trusts, Powers, Conditions, Limitations, Restrictions, Charges, and Incumbrances as the Land comprised in the Second Schedule now is or may be subject or liable to: And this Indenture further witnesseth, that in pursuance of the said Act the said *C.D.* doth grant and convey all the Land comprised in the Second Schedule hereunder written, marked with the Letter B., unto the said *A.B.*, in lieu of and in exchange for the Land comprised in the First Schedule hereunder written, marked with the Letter A., to the End and Intent that the Land comprised in the Second Schedule may be held and enjoyed by the said *A.B.* and the Person or Persons who for the Time being shall be entitled thereto, and be and become subject to such and the same Uses, Trusts, Powers, Conditions, Limitations, Restrictions, Charges, and Incumbrances as the Land comprised in the First Schedule now is or may be subject or liable to. In witness, *&c.*

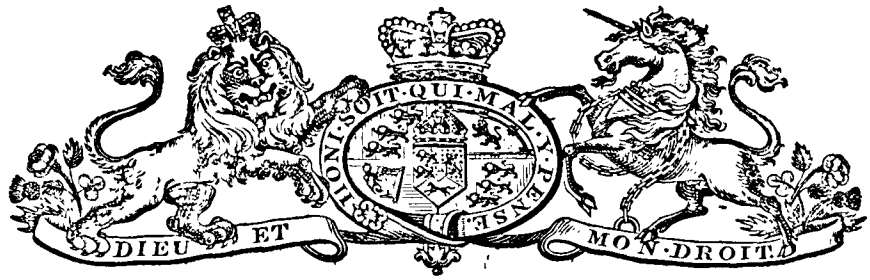
Schedule A. containing the Land conveyed by *A.B.* to *C.D.*

Schedule B. containing the Land conveyed by *C.D.* to *A.B.*

Witness
E.F.
G.H.

A.B. (L.S.)
C.D. (L.S.)

LONDON: Printed by GEORGE EYRE and ANDREW SPOTTISWOODE, Printers to the King's most Excellent Majesty. 1834.



ANNO QUARTO & QUINTO

GULIELMI IV. REGIS.

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CAP. XXXI.

An Act for transferring certain Annuities of Four Pounds *per Centum per Annum* into Annuities of Three Pounds and Ten Shillings *per Centum per Annum*, and for providing for paying off the Persons who may dissent to such Transfer.

[25th *July* 1834.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal Subjects, the Commons of the United Kingdom of *Great Britain* and *Ireland*, in Parliament assembled, having taken into our serious Consideration the present State of the National Debt, and being desirous of lessening the Charge thereof, have resolved, that all and every Person and Persons, Bodies Politic and Corporate, who now is or are or hereafter may be interested in or entitled unto any Part of the National Debt redeemable by Law which now carries an Interest after the Rate of Four Pounds *per Centum per Annum*, and is usually known by the Name of the "Four *per Centum* Annuities One thousand eight hundred and twenty-six," created by an Act passed in the Seventh Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for funding Eight Millions of Exchequer Bills*, and by another Act passed in the Tenth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for funding Three Millions of Exchequer Bills*, and which are payable at the Bank of *England*, and who shall not signify his, her, or

47 G.3.c.9.

10 G.4.c.31.

or their Dissent in the Manner herein-after mentioned, shall, in lieu of every One hundred Pounds of such Four *per Centum* Annuities, receive and be entitled to the Sum of One hundred Pounds of Three Pounds and Ten Shillings *per Centum* Annuities, and to carry Interest after the Rate of Three Pounds and Ten Shillings *per Centum per Annum*, and so in proportion for any greater or less Amount than One hundred Pounds of such Four *per Centum* Annuities; and that the Dividends of the said New Three Pounds Ten Shillings *per Centum* Annuities shall be payable half-yearly at the Bank of *England*; and that the said New Three Pounds Ten Shillings *per Centum* Annuities shall not be liable to be paid off until after the Fifth Day of *January* One thousand eight hundred and forty: We, Your Majesty's most faithful Commons, do therefore most humbly beseech Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all and every Person and Persons, Bodies Politic or Corporate, who now is or are or hereafter may be interested in or entitled unto any Part of the National Debt redeemable by Law which now carries an Interest after the Rate of Four Pounds *per Centum per Annum*, and is usually known by the Name of "Four *per Centum* Annuities One thousand eight hundred and twenty-six," payable at the Bank of *England*, and who shall not signify his, her, or their Dissent in manner herein-after mentioned, shall, in lieu of every One hundred Pounds of such Four Pounds *per Centum* Annuities, respectively receive and be entitled to the Sum of One hundred Pounds in "The New Three Pounds and Ten Shillings *per Centum* Annuities," and to carry an Interest after the Rate of Three Pounds and Ten Shillings *per Centum per Annum*, and so in proportion for any greater or less Amount than One hundred Pounds of such Four Pounds *per Centum* Annuities respectively; and that the Dividends thereof shall be payable half-yearly, at the Bank of *England*, upon the Fifth Day of *January* and the Fifth Day of *July* in each and every Year; and the first Dividend, namely, One Quarter of a Year's Dividend, on the said New Three Pounds and Ten Shillings *per Centum* Annuities shall be payable at the Bank of *England* on the Fifth Day of *January* One thousand eight hundred and thirty-five; and that the said New Three Pounds and Ten Shillings *per Centum* Annuities shall be subject and liable to Redemption at any Time after the Fifth Day of *January* One thousand eight hundred and forty, and not before that Period; and that the said New Three Pounds and Ten Shillings *per Centum* Annuities shall be free from all Taxes, Charges, and Impositions, in the like Manner as the said Four Pounds *per Centum* Annuities.

Every Person entitled to 100*l.* Four per Cent. Annuities and not dissenting, shall receive 100*l.* New 3*l.* 10*s.* per Cent. Annuities.

Dividends to be paid half-yearly.

New 3*l.* 10*s.* Stock to be redeemable after 5th January 1840.

Interest to be charged on Consolidated Fund.

II. And be it further enacted, That the Interest and Dividends payable in respect of the said New Three Pounds and Ten Shillings *per Centum* Annuities shall be charged and chargeable upon, and shall be issued and paid out of, the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, in the same Manner as the Interest and Dividends of the said Four Pounds *per Centum* Annuities respectively now stand charged on the said Fund.

III. And

III. And be it further enacted, That all and every Person and Persons, Bodies Politic or Corporate who shall not, on or before the Twenty-eighth Day of *May* One thousand eight hundred and thirty-four, signify his, her, or their Dissent from accepting and receiving a Share in the said New Three Pounds and Ten Shillings *per Centum* Annuities, in lieu of his, her, or their respective Shares in the said respective Four Pounds *per Centum* Annuities, or for any Part of such respective Shares in such last-mentioned Annuities, in the Manner herein-after directed, shall be deemed and taken to have consented to accept and receive the same: Provided always, That if any Proprietor or Proprietors of the said respective Four Pounds *per Centum* Annuities shall not have been within the Limits of the United Kingdom at any Time between the Eighth Day of *May* and the Twenty-eighth Day of *May* One thousand eight hundred and thirty-four, both Days inclusive, but shall have been in any other Part of *Europe*, it shall be lawful for such Proprietor or Proprietors to signify such Dissent at any Time before the Sixth Day of *July* One thousand eight hundred and thirty-four; and if any such Proprietor or Proprietors shall not, at any Time between the Eighth Day of *May* and the Fifth Day of *July* One thousand eight hundred and thirty-four, both Days inclusive, have been within any Part of *Europe*, it shall be lawful for him, her, or them to signify such Dissent at any Time before the First Day of *March* One thousand eight hundred and thirty-five; such Proprietor or Proprietors proving to the Satisfaction of the Governor and Directors of the Bank of *England*, or any Two or more of them, his, her, or their Absence from the United Kingdom, or out of *Europe*, as the Case shall happen, and that his, her, or their Share or Shares of such Four Pounds *per Centum* Annuities stood in his, her, or their Name or Names respectively, or in the Name or Names of any One or more Trustee or Trustees on his, her, or their Behalf, on the Eighth Day of *May* One thousand eight hundred and thirty-four, in the Books of the Governor and Company of the Bank of *England*; and provided also, that such Proprietor or Proprietors so absent from the United Kingdom, or out of *Europe*, shall signify his, her, or their Dissent within Ten Days after his, her, or their Return to the United Kingdom.

Persons not dissenting from receiving the New 3*l.* 10*s.* per Cent. Annuities shall be deemed assenting.

Time limited for dissenting.

IV. And be it further enacted, That all Persons and Bodies Politic or Corporate possessed of any Part of the respective Four Pounds *per Centum* Annuities, and who shall desire to signify such Dissent as aforesaid, shall, on or before the Twenty-eighth Day of *May* One thousand eight hundred and thirty-four, by themselves or some Agent or Agents for that Purpose duly authorized, signify such Dissent to the Governor and Company of the Bank of *England*, in Writing under his, her, or their Hand or Hands, or the Hand or Hands of his, her, or their Agent or Agents authorized as aforesaid, together with the Amount of his, her, or their respective Shares in the said Four Pounds *per Centum* Annuities; and which said Dissents shall be entered in a Book or Books to be opened and kept by the Governor and Company of the said Bank for that Purpose, and shall be numbered in the Order in which such Dissents shall be received by such Governor and Company; and every such dissentient Proprietor or Proprietors, or his, her, or their Assigns, or the Executors or Adminis-

Persons dissenting shall signify the same to the Governor and Company of the Bank of England.

Paying off Dissentients.

Administrators of such Assigns, under any such Transfer, shall be paid off at such Periods and in such Manner as Parliament may direct.

Dissents by the Accountant General of the Court of Chancery and Accountant General of the Court of Exchequer.

V. Provided always, and be it enacted, That it shall be lawful for the Accountant General of the Court of Chancery, and also for the Accountant General of His Majesty's Court of Exchequer in *England*, at any Time before the Fourth Day of *August* One thousand eight hundred and thirty-four (subject nevertheless to the Provisions herein contained as to Persons out of the United Kingdom so far as the same shall apply to Suitors in the said Courts), to signify to the Governor and Company of the Bank of *England*, on behalf of any Suitors or others interested in any such Four Pounds *per Centum* Annuities standing in the Names of such Accountants General respectively, their Dissent under this Act in respect of any of such Annuities; and general or special Orders may be made in a summary Way, either upon Application by Motion or Petition of Suitors or Persons interested, or upon Motion by His Majesty's Attorney General, or otherwise, by the said Courts respectively, in respect of any such Annuities, either as to signifying or not signifying any such Dissents, or as to any other Matter or Thing relating to any such Annuities or the Dividends thereof, or to any Three Pounds and Ten Shillings *per Centum* Annuities which may be created in lieu thereof, or to the Application of any such Three Pounds and Ten Shillings *per Centum* Annuities or the Dividends thereof; and no Application, Petition, or Affidavit made by or on behalf of any Suitor or other Person interested in any of such Annuities or the Dividends thereof respectively, or Order or Report made or other Proceeding had in either of the said Courts respectively in consequence of this Act, or which may arise out of any of the Provisions of this Act, in relation to the said Four Pounds *per Centum* Annuities respectively, or any Part or Share or Shares thereof, standing in the Names of the said Accountant General of the said Courts respectively, or in relation to any Three Pounds and Ten Shillings *per Centum* Annuities, which may be created under this Act, and hereafter stand in the Names of the said Accountants General respectively, in lieu of the said Four Pounds *per Centum* Annuities before standing in their Names respectively, or the Dividends of such respective Annuities, nor any Copy or Copies of such Application, Petition, Affidavit, Order, Report, or other Proceeding, shall be subject or liable to be stamped, or charged or chargeable with any Stamp Duties whatever, any thing in any Act or Acts of Parliament to the contrary notwithstanding; and the said Accountants General respectively shall be deemed and taken to have consented to accept and receive Shares in the said Three Pounds and Ten Shillings *per Centum* Annuities, in lieu of all such Four Pounds *per Centum* Annuities standing in their Names respectively, as to which no such Dissent shall have been signified by them respectively as aforesaid; and the said Accountants General of the said Courts of Chancery and Exchequer respectively shall be and are hereby fully indemnified against all Actions, Suits, or Proceedings for or in respect of any Act, Matter, or Thing done by them respectively in pursuance of or under any of the Provisions of this Act, and also for and in respect of their respectively not signifying in any Case such their Dissent as aforesaid;

Indemnity for Accountants General.

said; and in case any Action, Suit, or other Proceeding be commenced or instituted against the said Accountants General, or either of them, for or in respect of any such Act, Matter, or Thing, or not signifying any Dissent as aforesaid, it shall and may be lawful for the Court in which such Action, Suit, or Proceeding shall be commenced or shall be pending, upon summary Application, to stay, and such Court is hereby required to stay, such Action, Suit, or Proceeding, and to make such Order relative to the Costs thereof, as such Court shall think expedient.

Executors, Trustees, &c. may dissent.

VI. And be it further enacted, That all Executors, Administrators, Guardians, Trustees, and all Committees of the Estates of Idiots and Lunatics, who, as such, shall have the Control over any Shares of the said respective Four Pounds *per Centum* Annuities, standing either in their own Names or in the Name or Names of any Testator or Intestate, or of any Infant or Infants, or Idiot or Lunatic, may, if residing within the United Kingdom, signify such Dissent as aforesaid to the Governor and Company of the Bank of *England* at any Time before the Fourteenth Day of *June* One thousand eight hundred and thirty-four; and if either of any Two or more of any such Executors, Administrators, Guardians, Trustees, or Committees shall reside out of the United Kingdom, the Period within which such Dissent may be signified shall be regulated by the Residence of the most distant of such Executors, Administrators, Guardians, Trustees, or Committees in each Case; and all Executors, Administrators, Guardians, Trustees, and Committees not signifying such Dissent within the Periods specified in this Act, according to such Residence, shall be deemed and taken to have assented to accept and receive a Share in the said New Three Pounds and Ten Shillings *per Centum* Annuities, and they are hereby severally and respectively indemnified for not signifying such Dissent under this Act.

Indemnity for such Executors.

Four per Cent. Annuities, where Dissent signified, transferrable in Books as such.

VII. And be it further enacted, That the said Four Pounds *per Centum* Annuities, in respect of which Dissent shall have been or shall be signified under the Provisions of this Act, shall be transferrable in the Books of the Governor and Company of the Bank of *England* as Dissented Four *per Centum* Annuities in whole or in part, without Reference to the Period and Order in which such Dissent shall have been or shall be signified, until the said Dissented Four Pounds *per Centum* Annuities shall be paid off.

Payments of Dividends on such Four per Cents.

Time of paying them off.

Transfers of them between the Banks of England and

VIII. And be it further enacted, That every Person who shall be entitled to receive the Dividends upon any such Four Pounds *per Centum* Annuities transferrable at the Bank of *England* shall be paid and receive the Dividend which will become due thereon on the Tenth Day of *October* One thousand eight hundred and thirty-four; and the said Four Pounds *per Centum* Annuities respectively shall be paid off or converted into Three Pounds and Ten Shillings *per Centum* Annuities, as the Case may require, from and after the said Tenth Day of *October* One thousand eight hundred and thirty-four; and every Transfer of any of the said Annuities at the Rate of Four Pounds *per Centum per Annum*, which may have taken place to or from the Books of the Governor and Company of the Bank of

Ireland after 7th May 1834 void.

England from or to the Books of the Governor and Company of the Bank of *Ireland*, at any Time on and after the Seventh Day of *May* One thousand eight hundred and thirty-four shall be and the same is hereby declared to be null and void.

Books to be opened at the Bank of England for receiving the Entry of the New 3*l.* 10*s.* per Cent. Annuities.

IX. And be it further enacted, That it shall and may be lawful for the Governor and Company of the Bank of *England*, at any Time after the Tenth Day of *October* One thousand eight hundred and thirty-four, to open Books for writing up and receiving the Entry into the said New Three Pounds and Ten Shillings *per Centum* Annuities of any of the Four Pounds *per Centum* Annuities before described, belonging to any Proprietor or Proprietors who may not have expressed his, her, or their Dissent to receive such Three Pounds and Ten Shillings *per Centum* Annuities, and who may be desirous of converting his, her, or their Four Pounds *per Centum* Annuities into the said Annuities at the Rate of Three Pounds and Ten Shillings *per Centum per Annum*; but the Dividend or Dividends of the said Four Pounds *per Centum* Annuities which would become due on the Tenth Day of *October* One thousand eight hundred and thirty-four at the Bank of *England* shall be paid and payable to the Person or Persons in whose Name such Four Pounds *per Centum* Annuities stood, immediately before they were so converted into Three Pounds and Ten Shillings *per Centum* Annuities; and the First Dividend of such Three Pounds and Ten Shillings *per Centum* Annuities, namely, One Quarter of a Year's Dividend, shall become due and be payable on the Fifth day of *January* One thousand eight hundred and thirty-five.

Bank of England shall employ their Cashier and Accountant General.

X. And for the more easy and sure Payment of the Annuities established by this Act, be it further enacted, That the Governor and Company of the Bank of *England*, and their Successors, shall from Time to Time employ their Chief or First Cashier or Cashiers and their Accountant General in the Execution of this Act; and the Monies from Time to Time necessary for the Payment of the said Three Pounds and Ten Shillings *per Centum* Annuities shall, by Order of the Commissioners of His Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland*, or any Three or more of them, or the Lord High Treasurer for the Time being, without any further Warrant, to be sued for, had, or obtained in that Behalf, be issued and paid at the Receipt of the Exchequer in *England* to the said First or Chief Cashier or Cashiers of the said Governor and Company of the Bank of *England*, and their Successors for the Time being, by way of Imprest, and upon Account for the Payment of the said Annuities; and every such Cashier or Cashiers to whom the said Monies shall from Time to Time be issued, shall from Time to Time, without Delay, apply and pay the same accordingly, and render his or their Accounts thereof according to the due Course of the Exchequer in *England*.

Accountant General shall examine Receipts and Payments.

XI. And be it further enacted, That the Accountant General for the Time being of the Bank of *England* shall from Time to Time inspect and examine all Receipts and Payments of the Cashier or Cashiers

Cashiers of the said Bank, and the Vouchers relating thereunto, in order to prevent any Fraud, Negligence, or Delay.

The several Annuities under this Act shall be added to the existing New 3½ per Cent. Annuities.

XII. And be it further enacted, That the said several Annuities, after the Rate of Three Pounds and Ten Shillings *per Centum* created by virtue of this Act, shall be added to and consolidated with the Annuities carrying Interest at the Rate of Three Pounds and Ten Shillings *per Centum*, existing at the Time of the passing of this Act, commonly called the "New Three and a Half *per Centum* Annuities," and shall be deemed, reputed, and taken to be One Capital or Joint Stock; and that all and every Person and Persons, and Bodies Politic and Corporate whatsoever, shall have and be deemed to have a proportional Interest and Share in such Stock, and in the Annuity attending the same respectively at the Rate aforesaid; and that such Capital or Joint Stock, or any Share or Interest therein, and the proportional Annuity attending the same respectively, shall be assignable and transferrable as this Act directs, and not otherwise; and that there shall constantly be kept in the Office of the Accountant General for the Time being of the Bank of *England* a Book or Books, wherein all Assignments or Transfers of such Capital or Joint Stock, or any Part thereof, and the proportional Annuity attending the same, at the Rates aforesaid, shall be respectively entered and registered; which Entries shall be conceived in proper Words for that Purpose, and shall be signed by the Parties making such Assignments or Transfers, or, if any such Party or Parties be absent, by his, her, or their Attorney or Attornies, thereunto lawfully authorized, by Writing under his, her, or their Hands and Seals, to be attested by Two or more credible Witnesses, and that any Person or Persons to whom such Transfer or Transfers shall be made shall respectively underwrite his, her, or their Acceptance thereof; and that no other Method of assigning or transferring any such Stock, and the Annuities attending the same or any Part thereof, or any Interest therein, shall be good and available in Law; and that no Stamp Duties whatsoever shall be charged on the said Transfers or any of them.

Annuities to be Personal Estate.

XIII. And be it further enacted, That all Persons and Corporations entitled to any such Annuity or Annuities of Three Pounds and Ten Shillings *per Centum* created by this Act, and their Administrators, Successors, and Assigns respectively, and all Persons and Corporations lawfully claiming under them, shall have good, sure, absolute, and indefeasible Estates and Interests in the said Annuties, according to the true Tenor and Meaning of this Act, and shall be possessed thereof as of a Personal Estate, devisable as such, and which shall not be descendible to Heirs, nor liable to any foreign Attachment by the Custom of *London* or otherwise; any Law, Custom, or Usage to the contrary notwithstanding; but no Payment shall be made, nor any Transfer allowed upon any Devise, until such Devise shall have been duly entered at the Bank of *England*, as the Case may require.

Powers of Attorney for Receipt of Dividends on Four per

XIV. And be it further enacted, That all Powers of Attorney which shall be in force at the Time of passing this Act, and which would have remained in force if this Act had not passed, for the Receipt

Cents. shall remain in force for Receipt of New 3½ per Cents.

Receipt of Dividends, or for Sale or Transfer of any Four Pounds *per Centum* Annuities, which shall under or by virtue of this Act be converted into the said New Three Pounds and Ten Shillings *per Centum* Annuities, shall continue and remain in full Force and Effect for receiving the Dividends which shall become due on the Three Pounds and Ten Shillings *per Centum* Annuities created by this Act in lieu thereof, or for selling or transferring any such Three Pounds and Ten Shillings *per Centum* Annuities, and also for receiving Dividends on any further Sum of such Three Pounds and Ten Shillings *per Centum* Annuities which the Parties by whom such Letters of Attorney were given may hereafter purchase or acquire, until such Powers are revoked or otherwise determined.

Certificates of Amount of Stock exchanged or paid off, &c. shall be sent to Commissioners for Reduction of the National Debt.

XV. And be it further enacted, That so soon after the Expiration of the respective Periods allowed by this Act, for signifying any Dissent under this Act, as the same can be done, Certificates shall be from Time to Time made out and transmitted to the Commissioners for the Reduction of the National Debt, by the proper Officer or Officers of the Bank of *England*, of the Amount of Four Pounds *per Centum* Annuities which shall have been exchanged into such New Three Pounds and Ten Shillings Annuities or paid off under the Provisions of this Act, and of the annual Interest which shall have ceased thereby, and also of the capital Amount of such New Three Pounds and Ten Shillings *per Centum* Annuities created by such Exchange, and of the annual Interest thereon.

Bonds and Contracts to transfer 4*l.* per Cents. to be deemed satisfied by a Transfer of the New 3½ per Cents.

XVI. And be it further enacted, That in every Case in which any Person or Persons shall at the Time of the passing of this Act be or remain bound by the Condition of any Bond or Obligation, or by the Terms of any Instrument in Writing, or by any Agreement or Contract, to transfer any Amount of Capital Stock in the said Four Pounds *per Centum* Annuities, the Condition of every such Bond or Obligation, or the Terms of any such Instrument in Writing, or Agreement or Contract, shall be deemed in Law and Equity to be satisfied by making a Transfer of an equal Amount of Capital Stock in the New Three Pounds Ten Shillings *per Centum* Annuities; and that where any Party is, by the Condition of any such Bond or Obligation, or the Terms of any such Instrument in Writing, or Agreement or Contract, bound or required to pay half-yearly Sums equal to the Dividends on any specified Amount of any such Four Pounds *per Centum* Annuities respectively, every such Bond, Obligation, Instrument, Agreement, or Contract shall be satisfied by the Payment of half-yearly Sums equal to the Dividends of or upon the same Amount of the said Three Pounds Ten Shillings *per Centum* Annuities.

Lenders of 4*l.* per Cents. on Contract to replace may demand 100*l.* in Money for every 100*l.* in Stock.

XVII. Provided always, and be it further enacted, That in every Case in which any such Four Pounds *per Centum* Annuities respectively shall have been transferred in the Way of Loan upon any Condition in any Bond or Instrument, or under or upon any Agreement or Contract for the Repayment of such Loan, by the replacing the Amount of Stock so transferred, it shall be lawful for the Person or Persons who shall have made any such Loan, or their

Executors, Administrators, or Assigns, to declare an Option, and give Notice thereof in Writing, and thereby require the Repayment of One hundred Pounds of lawful Money of *Great Britain*, for every One hundred Pounds Capital Stock of such Four Pounds *per Centum* Annuities transferrable at the Bank of *England*, so transferred in the Way of Loan as aforesaid, and so in proportion for any greater or less Amount; and every Bond, Obligation, Instrument, Agreement, or Contract given, entered into, or made upon any such Loan or Contract shall be deemed in every such Case, in Law and in Equity, to entitle the Person or Persons, his, her, or their Executors, Administrators, or Assigns, to such Repayment in Money, and to demand and recover the same in any Court in which any Action, Suit, Process, or Proceeding may be brought, instituted, or carried on upon any such Bond, Obligation, Instrument, Agreement, or Contract; any thing in any such Bond or Obligation, Instrument, Agreement, or Contract, to the contrary notwithstanding.

Trusts as to 4*l.* per Cents. shall extend to 3½*l.* per Cents.; and Directions to the Application of 4*l.* per Cents. shall be carried into effect by the Application of the 3½*l.* per Cents.

XVIII. And be it further enacted, That all Trusts, whether created by Will or otherwise, and which existed either in the whole or in part, and all Directions contained in any Will or Devise or Testamentary Paper, which remain unexecuted at the Time of the passing of this Act, as to any Four Pounds *per Centum* Annuities which may under this Act be converted into Three Pounds Ten Shillings *per Centum* Annuities, or as to the Payment or Distribution of any Dividends thereon, or as to the Transfer of any such Annuities, in any Events specified in any such Trusts or Will or Testamentary Paper, shall extend, and be deemed and construed in all Cases and in all Courts of Law and Equity in the United Kingdom or elsewhere in any Dominions or Territories belonging to His Majesty to extend and apply to all such Three Pounds Ten Shillings *per Centum* Annuities created in lieu of any Four Pounds *per Centum* Annuities subject to or affected by any such Trusts or Devises or Wills or Testamentary Papers, for all Purposes and in all Cases in which such Trusts or to which any such Directions can be made applicable: Provided always, that in all Cases in which any Proportions or Parts of any such Four Pounds *per Centum* Annuities are required to be transferred under any such Trusts, or under the Provisions of or Directions contained in any Will, Devise, or Testamentary Paper, or any Proportion or Part of any Dividends arising from and out of any such Four Pounds *per Centum* Annuities, are required to be paid or distributed, the Transfer of a like Amount of Three Pounds Ten Shillings *per Centum* Annuities, and the Payment and Distribution of the Dividends at the Rate of Three Pounds Ten Shillings *per Centum*, instead of Four Pounds *per Centum*, upon the Capital, shall be and be deemed and taken in all Courts and for all Purposes to be a due Execution of such Trusts, or of the Directions contained in any Will or Testamentary Paper, and shall fully discharge the Trustee or Executor or Executors making the same, who are hereby declared to be and are hereby fully indemnified in respect of such Execution of any such Trusts and Executorship as aforesaid.

Questions as to Trusts in the 4*l.* per Cents. may

XIX. And be it further enacted, That in every Case in which any Question may have arisen or may arise upon the Execution of any Trusts,

be decided by the Courts of Chancery or Exchequer, or the Court of Session.

Trusts, or upon any Distributions which may have been or may be made or may remain to be made, by any Trustees, Executors, or Administrators of or in relation to or arising out of any such Four Pounds *per Centum* Annuities, or of any Parts or Proportions of any such Four Pounds *per Centum* Annuities which may have been vested in any Trustees, or which may have been distributable by any Executors or Administrators, or as to the Application of any Residue thereof, or as to the Distribution or Application of any Three Pounds Ten Shillings *per Centum* Annuities transferred under the Provisions of this Act in lieu of any Four Pounds *per Centum* Annuities, whether as to the Powers or Authorities of any such Trustees, Executors, or Administrators, or as to the relative Interest of any Persons entitled under any such Trust, or under Wills, to receive any Annuities charged upon or arising or payable out of the Proceeds of any such Four Pounds *per Centum* Annuities, and of any Persons interested in any Residue of any such Four Pounds *per Centum* Annuities, whether under any specific Provision relating to any such Trusts, or contained in any Wills, or arising out of the Execution of any Wills by any Executors, or the Distribution of any Estates by any Administrators, and in all other Cases whatsoever in which any Question may arise in consequence of the Transfer of any such Four Pounds *per Centum* Annuities into Three Pounds Ten Shillings *per Centum* Annuities, it shall be lawful for any such Trustees, Executors, or Administrators, and for Persons entitled to or interested in any such Four Pounds *per Centum* Annuities, or any Three Pounds Ten Shillings *per Centum* Annuities created in lieu thereof, or in any Proceeds of any such Annuities, whether in Reversion or otherwise, to make Application to the High Courts of Chancery, or to the Courts of Exchequer in *England* or *Ireland* respectively, or the Court of Session in *Scotland*, in a summary Way, either by Motion or Petition; and it shall be lawful for the High Courts of Chancery, or for the Courts of Exchequer in *England* or *Ireland* respectively, or for the Court of Session in *Scotland*, to make general Orders in relation to any such Question or special Orders in a summary Way upon any such Application, or as to any other Matter or Thing relating to any such Annuities, or to any Dividends thereof, or to any Three Pounds Ten Shillings *per Centum* Annuities which may be created in lieu thereof, or to the Application of any such Three Pounds Ten Shillings *per Centum* Annuities, or any Dividends thereof; and no Application, Petition, or Affidavit made by or on behalf of any Trustees, Executors, or Administrators, or Trustee, Executor, or Administrator, or other Person or Persons interested in any of such Annuities, or any Dividends thereof respectively, nor any Order or Report made or other Proceeding had in any or either of the said Courts respectively, in consequence of any Question which may arise out of any of the Provisions of this Act in relation to the Four Pounds *per Centum* Annuities, or any Part or Share or Shares thereof, or in relation to any Three Pounds Ten Shillings *per Centum* Annuities which may be created under this Act in lieu of the said Four Pounds *per Centum* Annuities, or the Dividends of such respective Annuities, nor any Copy or Copies of such Application, Petition, Affidavit, Order, Report, or other Proceeding, shall be subject or liable to be stamped, or charged or chargeable with

with any Stamp Duties whatever, any thing in any Act or Acts of Parliament to the contrary notwithstanding; and all Trustees, Executors, Administrators, and other Persons acting under any Orders made by any or either of such Courts respectively, or whose Acts shall be confirmed by any or either of such Courts respectively, if done before any Application made to any or either of the said Courts respectively, shall be and are hereby fully indemnified against all Actions, Suits, or Proceedings for or in respect of any Act, Matter, or Thing done by them respectively in pursuance of or under any such Order, or which shall be confirmed by any such Order; and in case any Action, Suit, or other Proceeding be commenced or instituted against any such Trustee, Executor, Administrator, or other Person, for or in respect of any such Act, Matter, or Thing, it shall be lawful for the Court in which such Action, Suit, or Proceeding shall be commenced or shall be pending upon summary Application to stay, and such Court is hereby required to stay, such Action, Suit, or Proceeding, and to make such Order relative to the Costs thereof as such Court shall think expedient.

Indemnifying the Bank of England for Acts done by their Officers under this Act.

XX. And be it further enacted, That this Act shall be, and the same is hereby declared to be, a full and complete Indemnity and Discharge to the Governor and Company of the Bank of *England*, their Officers and Servants, and every of them, for all Things done or permittted to be done pursuant thereto, and that the same shall not be questioned or impeached in any Court of Law or Equity whatsoever to their Prejudice or Detriment.

Commissioners for the Reduction of the National Debt may advance Money for paying off Dissented 4*l.* per Cents.

XXI. And whereas it is necessary that Provision should be made for the Payment of such Persons, Bodies Politic and Corporate, and their Successors, Administrators, and Assigns, who shall have signified, or who shall within the Periods respectively prescribed by this Act signify, their Dissent from accepting and taking Three Pounds and Ten Shillings *per Centum* Annuities, in lieu of Four Pounds *per Centum* Annuities under the Provisions of this Act; be it therefore enacted, That it shall be lawful for the Commissioners for the Reduction of the National Debt, and they are hereby authorized, to advance any Sum or Sums of Money, not exceeding in the whole the Sum of Money which may be required to make the Payments to such Persons signifying such Dissent, out of any Monies, Stocks, Funds, or Exchequer Bills held by them under an Act of the Ninth Year of the Reign of King *George* the Fourth, intituled *An Act to consolidate and amend the Laws relating to Savings Banks;* and that all such Part of the said Four Pounds *per Centum* Annuities in this Act mentioned in respect of which Dissent shall have been or shall be signified under the Provisions of this Act shall, from and after the Tenth Day of *October* One thousand eight hundred and thirty-four, be vested in the said Commissioners, who shall then become entitled to a like Amount in the said Three Pounds and Ten Shillings *per Centum* Annuities, which said Three Pounds and Ten Shillings *per Centum* Annuities shall be added to and consolidated with, and shall be deemed and taken as Part of and be subject to all the Conditions of the said Three Pounds and Ten Shillings *per Centum* Annuities created by this Act; and the said Three Pounds and

9 G. 4. c. 92.

Dissented 4*l.* per Cents. to be vested in Commissioners for the Reduction of the National Debt from 10th October 1834, who shall then be entitled to like Amount of 3½*l.* per Cents.

and Ten Shillings *per Centum* Annuities shall be placed upon the Account standing in the Names of the said Commissioners in the Books of the Bank of *England*, under the Title of "The Fund for the Banks for Savings," the Dividends upon which shall be chargeable, and the same are hereby charged, upon the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, and shall be paid to the said Commissioners, as upon Bank Annuities purchased by the said Commissioners on account of the said Fund.

Act may be altered this Session.

XXII. And be it further enacted, That this Act may be altered, amended, or repealed by any Act or Acts to be passed in this present Session of Parliament.

LONDON: Printed by GEORGE EYRE and ANDREW SPOTTISWOODE, Printers to the King's most Excellent Majesty. 1834.

ANNO QUARTO & QUINTO

GULIELMI IV. REGIS.

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CAP. XXXII.

An Act for reducing the Tonnage Rates payable in the Port of *London*. [25th *July* 1834.]

WHEREAS an Act was passed in the Thirty-ninth Year of the Reign of His Majesty King *George* the Third, intituled *An Act for rendering more commodious and for better regulating the Port of* London, whereby, amongst other Things, certain Rates or Duties of Tonnage were imposed on Ships or Vessels frequenting the Port of *London*, to be applied in manner therein directed; and it was also provided by the said Act, that a certain Sum of Money should be advanced out of the Consolidated Fund, upon the Credit of the said Rates or Duties, for the Purposes of the said Act: And whereas an Act was passed in the Forty-second Year of the Reign of His said Majesty King *George* the Third, intituled *An Act to authorize the Advancement of further Sums of Money out of the Consolidated Fund for completing the Canal and other Works which by an Act passed in the Thirty-ninth Year of His present Majesty's Reign, intituled 'An Act for rendering more commodious and for 'better regulating the Port of* London,' *were directed to be made and done by the Mayor, Aldermen, and Commons of the City of* London, *in Common Council assembled:* And whereas an Act was passed in the Forty-third Year of the Reign of His said Majesty King *George* the Third, intituled *An Act to authorize the Advancement of further Sums of Money out of the Consolidated Fund, to be applied*

39 G. 3. c. 69.

42 G. 3. c. 49.

43 G. 3. c. 124.

 in

in the Improvement of the Port of London, *by the Mayor, Aldermen, and Commons of the City of* London, *in Common Council assembled; and to empower the Lords Commissioners of His Majesty's Treasury to purchase the legal Quays between* London Bridge *and the* Tower of London, whereby certain new and additional Rates or Duties of Tonnage were imposed on Ships or Vessels frequenting the said Port of *London*: And whereas an Act was passed in the Forty-fifth Year of the Reign of His said Majesty King *George* the Third, intituled
45 G. 3. c. 63. *An Act to authorize the Advancement of further Sums of Money out of the Consolidated Fund for completing the Canal and other Works directed to be made by an Act passed in the Thirty-ninth Year of His present Majesty, intituled 'An Act for rendering more commodious 'and for better regulating the Port of* London:' And whereas an Act was passed in the Forty-seventh Year of the Reign of His said
47 G. 3. Sess. 2. c. 31. Majesty King *George* the Third, intituled *An Act to authorize the Advancement of further Sums of Money out of the Consolidated Fund, to be applied in completing the Canal across the* Isle of Dogs, *and erecting other Works there, and for effecting other Improvements of the Port of* London, *in execution of certain Acts already passed for those Purposes*: And whereas in and by the said recited Acts it is provided, that the Monies which should from Time to Time arise from the said Rates and Duties of Tonnage should be applied and disposed of in the following Manner; (that is to say,) in the first place, so much thereof should be paid into the Chamber of the City of *London* as should be sufficient for maintaining and providing Mooring Chains for the Use of the Shipping in the Port of *London*, and for paying the Salaries and Wages of the Harbour Masters and their Assistants; and in the next place, the Residue of such Monies should be applied from Time to Time in repaying and replacing to the said Consolidated Fund all such Sums of Money as had been advanced thereout in pursuance of the said recited Acts, with Interest for the same in the meantime at the Rate of Five Pounds *per Centum per Annum*; and lastly, that when all such Sums of Money had been so repaid with Interest, then and from thenceforth the Residue should from Time to Time be laid out or invested in the Purchase of Stock in some of the Public Stocks or Funds, or upon Government or Real Securities, at Interest, in the Names of the Chamberlain, Town Clerk, and Comptroller of the Chamber of the City of *London* for the Time being, who should from Time to Time lay out or invest the yearly Dividends or Interest of the Stocks, Funds, and Securities so purchased, in their Names, in like Manner, for the Purpose of Accumulation, until the yearly Dividends and Interest of all the said Stocks, Funds, and Securities should be sufficient for the said Costs and Charges of the Mooring Chains, and for the said Salaries and Wages of the Harbour Masters and their Assistants; and when and so soon as such yearly Dividends and Interest should be fully sufficient for the Purposes last mentioned, then and from thenceforth the said Rates and Duties of Tonnage should cease and be no longer payable: And whereas an Act was passed in the Tenth Year of the
10 G. 4. c. cxxx. Reign of His late Majesty King *George* the Fourth, intituled *An Act for the Sale of the City Canal, and for other Purposes relating thereto*, whereby it was enacted, that the said Rates and Duties of Tonnage should be for ever released, discharged, and exonerated of and from all

all Interest whatsoever in respect of any Sum advanced out of the Consolidated Fund in pursuance of the said recited Acts: And whereas in pursuance of the said recited Acts the Residue or Overplus of the Monies received and produced from the said Rates and Duties granted or made payable to His Majesty, His Heirs and Successors, by the said recited Acts of the Thirty-ninth and Forty-third Years of the Reign of King *George* the Third as aforesaid, have been applied from Time to Time towards repaying and replacing to the said Consolidated Fund the said several Sums of Money advanced and paid thereout in pursuance of the said several herein-before recited Acts: And whereas it is estimated that all the said Sums of Money advanced and paid out of the said Consolidated Fund in pursuance of the said recited Acts will, by means of the said Residue and Overplus of the Monies to be received and produced from the said Rates and Duties, be fully repaid and replaced in the Month of *July* One thousand eight hundred and thirty-four: And whereas it is considered expedient that the Rates and Duties payable in respect of Ships and Vessels in the said Port of *London* should be reduced to as low an Amount as possible: And whereas for that Purpose it is desirable that as soon as the said Monies advanced and paid out of the said Consolidated Fund as aforesaid shall have been repaid and replaced, the Rates and Duties payable on Ships and Vessels in the said Port shall be reduced to such an Amount as will be sufficient for the Payment of the Costs and Charges of maintaining, repairing, altering, and renewing the said Mooring Chains and laying down others as aforesaid, and the Payment of the Salaries and Wages of the said Harbour Masters and their Assistants; and that so much of the said recited Acts or any of them as directs that a Fund shall be created for defraying the said Costs and Charges, and paying the said Salaries and Wages, should be repealed: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That so much of the said herein-before recited Acts of the Thirty-ninth and Forty-third Years of the Reign of His said Majesty King *George* the Third, or of the said other recited Acts, or any of them, as directs or requires that when all the Monies advanced and paid out of the said Consolidated Fund shall be fully repaid and replaced as aforesaid, the Residue and Overplus of the Monies to be received and produced from and by the said Rates and Duties shall be laid out or invested in the Purchase of Stock in some of the Public Stocks or Funds, or upon Government or Real Securities, at Interest, for the Purpose of creating a Fund the Dividends and Interest of which should be sufficient for the Payment of the Costs and Charges of maintaining, repairing, altering, and renewing the said Mooring Chains, and laying down others as aforesaid, and the Payment of the Salaries and Wages of the said Harbour Masters and their Assistants, shall be and the same is hereby repealed.

Repeal of so much of the recited Acts as requires a Fund to be created.

II. And be it further enacted, That from and after the passing of this Act the said several Rates and Duties by the several herein-before in part recited Acts or any of them granted and made payable to His Majesty, His Heirs and Successors, shall cease and be no longer paid or payable.

Rates granted by 39 G. 3. c. 69. and 43 G. 3. c. 124. to cease.

III. And

Rates to be paid to His Majesty for Vessels frequenting the Port of London.

III. And be it further enacted, That in consideration of the Expences which will be occasioned by maintaining and renewing the said Mooring Chains, and paying the Salaries and Allowances of the said Harbour Masters and their Assistants, there shall, from and after the passing of this Act, be raised, levied, collected, and paid to His Majesty, His Heirs and Successors, in respect of Ships or Vessels frequenting the Port of *London*, the several Duties of Tonnage as the same are herein-after set forth; (that is to say,)

First Class.—For every Ship or other Vessel trading Coastwise between the Port of *London* and any Port or Place in *Great Britain*, *Ireland*, the *Orkneys*, *Shetland*, or the Western Islands of *Scotland*, there shall be paid for every Voyage both in and out of the said Port, One Halfpenny *per* Ton:

Second Class.—For every Ship or other Vessel entering inwards or clearing outwards in the said Port from or to *Denmark*, *Norway*, or *Lapland* (on this Side of the *North Cape*), or from *Holstein*, *Hamburgh*, *Bremen*, or any other Part of *Germany* bordering on or near the *Germanic Ocean*, or from or to *Holland* or any other of the United Provinces, or *Brabant*, *Antwerp*, *Flanders*, or any other Part of the *Netherlands*, or from or to *France* (within *Ushant*), *Guernsey*, *Jersey*, *Alderney*, *Sark*, or the *Isle of Man*, there shall be paid for every Voyage both in and out of the said Port, One Halfpenny *per* Ton:

Third Class.—For every Ship or other Vessel entering inwards or clearing outwards in the said Port from or to *Lapland* (beyond the *North Cape*), *Finland*, *Russia* (without or within the *Baltic Sea*), *Livonia*, *Courland*, *Poland*, *Prussia*, *Sweden*, or any other Country or Place within the *Baltic Sea*, there shall be paid for every Voyage both in and out of the said Port, One Halfpenny *per* Ton:

Fourth Class.—For every Ship or other Vessel entering inwards or clearing outwards in the said Port from or to *France* (between *Ushant* and *Spain*), *Portugal*, *Spain* (without the *Mediterranean*), or any of the *Azores*, *Madeira*, or *Canary Islands*, or any of the United States of *America*, or of the *British* Colonies or Provinces in *North America* or *Florida*, there shall be paid for every Voyage both in and out of the said Port, Three Farthings *per* Ton:

Fifth Class.—For every Ship or other Vessel entering inwards or clearing outwards in the said Port from or to *Greenland*, *Gibraltar*, *France*, or *Spain* (within the *Mediterranean*), or any Country, Island, Port, or Place within or bordering on or near the *Mediterranean* or *Adriatic Sea*, or from the *West Indies*, *Louisiana*, *Mexico*, *South America*, *Africa*, *East India*, *China*, or any other Country, Island, Port, or Place within or bordering on or near the *Pacific Ocean*, or from any other Country, Island, Port, or Place whatsoever to the Southward of Twenty-five Degrees of North Latitude, there shall be paid for every Voyage both in and out of the said Port, Three Farthings *per* Ton.

Duties to be paid in like Manner as the Duties of Customs.

IV. And be it further enacted, That the said Duties shall be under the Management of the Commissioners of His Majesty's Customs, and shall be received and recovered in the same Manner as any Duties of Customs are or can be received or recovered.

Certain Vessels to be exempt from Dues.

V. Provided always, and be it further enacted, That this Act shall not extend to charge with any of the said Rates or Dues herein-before granted any of His Majesty's Ships of War, or any Ship or Vessel whatsoever being the Property of His Majesty, His Heirs or Successors, or of any of the Royal Family, nor to charge therewith any Ship or Vessel coming to or going Coastwise from the Port of *London* or to any Part of *Great Britain*, unless such Ship or Vessel shall exceed Forty-five Tons Register Tonnage, nor any Vessel bringing Corn Coastwise, the principal Part of whose Cargo shall consist of Corn, nor any Fishing Smacks, Lobster and Oyster Boats, or Vessels for Passengers, nor any Vessel or Vessels or Craft navigating the River *Thames* above and below *London Bridge* as far as *Gravesend* only, nor any Ship or other Vessel entering the Port of *London* inwards, or going from the Port of *London* outwards, when in Ballast.

Application of the Monies to be produced by the Rates and Duties granted by this Act.

VI. And be it further enacted, That the Monies which shall from Time to Time be received and produced from and by means of the Rates and Duties granted and made payable to His Majesty, His Heirs and Successors, by this Act, shall be applied and disposed of in manner following; (that is to say,) so much thereof shall be paid into the Chamber of the City of *London* as shall be sufficient from Time to Time for defraying the Costs, Charges, and Expences of obtaining and passing this Act, and otherwise relating thereunto, and for defraying all the necessary Costs and Charges of maintaining, repairing, altering, and renewing the Mooring Chains now lying and which shall hereafter lie or be in the River *Thames*, and also for paying the Salaries and Wages of the said Harbour Masters and their Assistants, and such Superannuations and retired Allowances as may be granted to any of the present or future Harbour Masters, or any Officers or other Persons, under or by virtue of the said herein-before in part recited Acts or any of them, and other the necessary Costs and Expences (if any) of regulating the said Port, and the Ships and Vessels therein, according to the Provisions contained in the said recited Acts or any of them, or in anywise relating thereunto; and the Monies so to be paid into the said Chamber for those Purposes shall be applied by the Mayor and Commonalty and Citizens of the City of *London*, and their Successors, in defraying the same Costs and Charges, and paying the same Salaries, Wages, and retired Allowances and Expences accordingly; and the Residue or Overplus (if any) of the Monies to be received and produced by or from the said Rates or Duties, upon the Amount of such Residue or Surplus being ascertained, and which the said Mayor, Aldermen, and Commons of the City of *London*, in Common Council assembled, are hereby required to do annually, shall be laid out or invested in the Purchase of Stock in some of the Public Stocks or Funds, or upon Government or Real Securities, at Interest, in the Names of the Chamberlain, Town Clerk, and Comptroller of the Chamber of the City of *London* for the Time being, upon Trust, in the Event of a Deficiency at any future Time or Times in the Amount of the Monies to be received and produced from or by the Rates and Duties hereby granted or made payable, to raise by and out of the Dividends or Interest thereof, or the Sale thereof, or of Part thereof, and pay into the said Chamber of the said City of *London*, such Sum or Sums of Money as together with the

Amount of the Monies received and produced for the Time being from or by the said Rates and Duties hereby granted shall be necessary for Payment of the Costs, Charges, Salaries, Wages, Allowances, and Expences herein-before mentioned, and, subject thereto, to lay out and invest the yearly Dividends or Interest of the Stocks, Funds, and Securities so to be purchased, and of all Accumulations thereof, or of the unapplied Part or Parts thereof respectively, in their Names, in like Manner, for the Purpose of Accumulation, until the same Stocks, Funds, and Securities, and Accumulations, or any of them, shall be required to be sold in order to supply any such Deficiency as aforesaid.

Power to the Treasury to reduce the Rates if found, after Three Years, to be more than sufficient.

VII. Provided always, and be it further enacted, That in case at any Time after the Expiration of Three Years from the passing of this Act it shall appear to the Commissioners of His Majesty's Treasury, that the Monies which shall from Time to Time be received and produced from and by the Rates and Duties granted and made payable to His Majesty, His Heirs and Successors, by this Act, are more than sufficient for defraying the Costs, Charges, Salaries, Allowances, and Expences herein-before directed to be paid thereout, then and in such Case it shall be lawful for the said Commissioners, and they are hereby authorized and empowered, to cause all or any of the Rates and Duties hereby granted and made payable to be reduced in Amount to such Extent, and from and after such Time, as they shall think proper and expedient, and they shall cause Notice of such Reduction to be given in the *London Gazette*, stating a List or Title of the reduced Rates or Duties which shall be payable in lieu of all or any of the Rates or Duties hereby granted or made payable, and the Time at which such reduced Rates or Duties shall commence to be payable; and such reduced Rates and Duties shall, from and after the Time to be mentioned in such Notice, be paid and payable in lieu of the Rates and Duties hereby granted and made payable, and in lieu of which they shall be expressed in such Notice to be payable, and shall be ascertained, secured, paid, collected, levied, recovered, and received in such or the like Manner in all respects as herein-before is mentioned or referred to with respect to the Rates or Duties in lieu of which such reduced Rates or Duties shall be payable.

Power of the former Acts, so far as they are not repealed or rendered unnecessary, to extend to this Act.

VIII. And be it further enacted, That all the Powers, Authorities, Provisions, Regulations, Directions, Fines, Penalties, Forfeitures, Clauses, Matters, and Things whatsoever in the said herein-before in part recited Acts or any of them contained, in relation to the said Rates and Duties thereby granted, or the levying, recovering, collecting, receiving, taking, paying, and accounting for the same, or in relation to any other Act, Matter, or Thing whatsoever, shall, so far as the same or any of them are applicable to the Rates and Duties granted by this Act, or any other of the Purposes thereof, and are in force at the Time of the passing of this Act, and are not hereby repealed, altered, or otherwise provided for or rendered unnecessary, extend and be construed to extend to the Rates and Duties by this Act granted, and to all the other Purposes thereof, and shall operate and be in force in respect to the said Rates and Duties,

and other Purposes of this Act, according to the true Meaning of this Act, as fully and effectually to all Intents and Purposes as if the same Powers, Authorities, Provisions, Regulations, Directions, Fines, Penalties, Forfeitures, Clauses, Matters, and Things were repeated and re-enacted in the Body of this Act.

Chamberlain to keep Accounts of Receipts and Disbursements;

IX. And be it further enacted, That from Time to Time there shall be provided and kept by the Chamberlain of the said City for the Time being One or more Book or Books, in which all the Sum or Sums of Money which shall be received by virtue of this Act shall from Time to Time, as the same shall be paid, be entered and set down, and wherein also all the Monies to be paid and disbursed out of the Sum or Sums of Money to be received shall from Time to Time be entered and set down; and such Entry shall express the Time when, the Occasion for which, and the Names of the Persons to whom the same respectively shall be paid.

and lay an Account before Parliament yearly.

X. And be it further enacted, That the Chamberlain of the said City of *London* shall yearly lay before each House of Parliament a true Account in detail of the Receipts and Application of the Sum or Sums of Money which shall be received by virtue of this Act.

Expences of the Act.

XI. And be it further enacted, That the said Mayor, Aldermen, and Commons of the City of *London*, in Common Council assembled, shall pay and discharge all the Costs and Charges of obtaining and passing this Act, and otherwise relating thereto, by and out of the Monies to be paid into the Chamber of the City of *London* from and out of the Monies to be produced by the said Rates and Duties granted and made payable to His Majesty, His Heirs and Successors, in pursuance of this Act as aforesaid.

Public Act.

XII. And be it further enacted, That this Act shall be deemed to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others.

LONDON: Printed by GEORGE EYRE and ANDREW SPOTTISWOODE, Printers to the King's most Excellent Majesty. 1834.

ANNO QUARTO & QUINTO

GULIELMI IV. REGIS.

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CAP. XXXIII.

An Act to repeal so much of several Acts as requires Deposits to be made upon Teas sold at the Sales of the *East India* Company. [25th *July* 1834.]

WHEREAS by an Act passed in the Eighteenth Year of the Reign of His Majesty King *George* the Second, intituled *An Act for repealing the present Inland Duty of Four Shillings per Pound Weight upon all Teas sold in* Great Britain, *and for granting to His Majesty certain other Inland Duties in lieu thereof, and for better securing the Duty upon Tea and other Duties of Excise, and for pursuing Offenders out of one County into another*, reciting, amongst other things, that many Persons do frequently, at Sales for Tea by the *East India* Company, bid for and are declared best Bidders for large Quantities of Tea without intending or being able to pay for the same unless such Teas should after such Sales rise in Price, by means whereof the Prices of Tea are frequently raised and the running of Tea encouraged, it is for Remedy thereof enacted, that every Person who shall at any public Sale of Tea made by the said Company be declared to be the best Bidder for any Lot or Lots of Tea shall, within Three Days after being so declared the best Bidder for the same, deposit with the said Company, or such Clerk or Officer as the said Company shall appoint to receive the same, Forty Shillings for every Tub and for every Chest of Tea; and in case any such Person shall refuse or neglect to make such Deposit within the Time before limited he shall forfeit and lose Six Times the Value of such 18 G. 2. c. 26.

Deposit, to be recovered as therein mentioned, one Moiety of which Forfeiture to go to His Majesty, and the other Moiety to such Person as shall sue for the same; and the Sale of all Teas for which such Deposit shall be neglected to be made as aforesaid is thereby declared to be null and void, and all such Teas are thereby directed to be again put up by the said Company to public Sale within Fourteen Days after the End of the Sale of Teas at which such Teas were sold; and every Buyer who shall have neglected to make such Deposit is thereby rendered incapable from bidding for or buying any Teas at any future public Sale of the said Company: And whereas by an Act passed in the Thirteenth Year of the Reign of King *George* the Third, 13 G. 3. c. 18. intituled *An Act to allow a Drawback of the Duties of Customs on the Exportation of Tea to any of His Majesty's Colonies or Plantations in* America, *to increase the Deposit on Bohea Tea to be sold at the* India *Company's Sales, and to empower the Commissioners of the Treasury to grant Licences to the* East India *Company to export Tea Duty-free*, reciting the Enactment herein-before recited, and that it is found expedient and necessary to increase the Deposit to be made by any Bidder of any Lot of Bohea Teas at the public Sale of Teas to be made by the said Company, it is enacted, that every Person who shall, after the Tenth Day of *May* One thousand seven hundred and seventy-three, at any public Sale of Tea to be made by the said Company, be declared to be the best Bidder for any Lot of Bohea Tea, shall, within Three Days after being so declared the best Bidder for the same, deposit with the said Company, or such Clerk or Officer as aforesaid, Four Pounds of lawful Money for every Tub and for every Chest of Bohea Tea, under the same Terms and Conditions, and subject to the same Forfeitures, Penalties, and Regulations, as are mentioned and contained in the said recited Act of the Eighteenth Year of the Reign of His then late Majesty: And whereas by another Act passed in the Thirty-third Year of the Reign of His late Majesty King *George* 33 G. 3 c. 52. the Third, intituled *An Act for continuing in the* East India *Company for a further Term the Possession of the* British *Territories in* India, *together with their exclusive Trade under certain Limitations; for establishing further Regulations for the Government of the said Territories, and the better Administration of Justice within the same; for appropriating to certain Uses the Revenues and Profits of the said Company, and for making Provision for the good Order and Government of the Towns of* Calcutta, Madras, *and* Bombay, after referring to the Enactments herein-before recited, and reciting that it is expedient to vary the Time of paying the said Deposits, it is enacted, that after the Commencement of the now reciting Act the Provision made in the said Acts with respect to the Time of paying the said Deposits shall cease, and that in respect of all Tea sold at the said Company's Sales from the Commencement of that Act the said Deposits shall be paid at such Times as are therein mentioned, under the same Terms and Conditions, and subject to the same Regulations, Forfeitures, Penalties, and Disabilities as are mentioned and contained in the said Act of the Eighteenth Year of the Reign of His said late Majesty King *George* the Second: And whereas it is expedient that all and singular the Provisions made in and by the said recited

Acts with respect to the Payment of Deposits upon Teas sold at the said Company's Sales shall wholly cease: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act all and singular the Enactments in the said Three several recited Acts contained, requiring Deposits to be made in respect of Tea sold at the said Company's Sales, shall be and the same are hereby repealed; and that all and singular the Regulations, Forfeitures, Penalties, and Disabilities mentioned and contained in the said several recited Acts in relation to the Payment or the Nonpayment of Deposits in respect of Teas sold at the said Company's Sales shall thenceforth utterly cease.

Recited Acts in part repealed.

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ANNO QUARTO & QUINTO

GULIELMI IV. REGIS.

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CAP. XXXIV.

An Act to repeal the Laws relating to the Contribution out of Merchant Seamen's Wages towards the Support of the Royal Naval Hospital at *Greenwich*, and for supplying other Funds in lieu thereof. [25th *July* 1834.]

WHEREAS by an Act of the Seventh and Eighth Years of the Reign of King *William* the Third, for the Increase and Encouragement of Seamen, it was amongst other Things enacted, that every Seaman who should serve His Majesty, His Heirs and Successors, or any other Person in any of His Majesty's Ships, or in any Ship or Vessel belonging to the Subjects of *England* or any other His Majesty's Dominions, should allow and there should be paid out of the Wages of every such Seaman to grow due Sixpence *per* Month, for the better Support of the Royal Hospital for Seamen at *Greenwich*, which Allowance and Abatement were by an Act passed in the Tenth Year of the Reign of Queen *Anne* extended to the Wages of every Seaman and other Person employed in any Ship or Vessel belonging to the Subjects of *Great Britain* and *Ireland*, and the Dominions thereto belonging; and the said Allowance was, by another Act passed in the Second Year of the Reign of King *George* the Second, further extended to the Wages of Seamen belonging to the Ships and Vessels of the Islands of *Guernsey*, *Jersey*, *Alderney*, *Sark*, and *Man*, and of His Majesty's Colonies in *America*: And whereas by an Act passed in the Tenth

Year of the Reign of His late Majesty King *George* the Fourth, for transferring the Management of *Greenwich* Out-Pensions and certain Duties in Matters of Prize to the Treasurer of the Navy, it is enacted, that such Allowance out of the Wages of all Seamen serving His Majesty or employed in any of His Majesty's Ships should cease to be payable: And whereas by an Act passed in the Second Year of the Reign of His present Majesty, for amending the Laws relating to the Civil Departments of the Navy, it is declared that the said Allowance shall be abated out of the Wages of every Person serving in any Ship or Vessel (not being in Commission and in the Pay of the Royal Navy) which shall belong to or be employed in the Service of His Majesty in the several Departments of the Public Service: And whereas it is expedient that the Allowance or Contribution of Sixpence *per* Month out of the Wages of all Seamen whatever, as well those employed in the Ships or Vessels in the Service of His Majesty as in the Merchant Shipping of the United Kingdom, and of the Dominions, Islands, and Territories thereto belonging, should no longer be made towards the Support of the said Hospital, and that in lieu thereof other Funds should be provided for that Purpose: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Thirty-first Day of *December* One thousand eight hundred and thirty-four the said recited Act of the Seventh and Eighth Years of the Reign of King *William* the Third, for the Increase and Encouragement of Seamen; and also so much as remains unrepealed of an Act of the Eighth and Ninth Years of the Reign of King *William* the Third, made to enforce the said Act for the Increase and Encouragement of Seamen; and also an Act passed in the Tenth Year of the Reign of Queen *Anne*, for the better collecting and recovering of Duties granted for the Support of the Royal Hospital at *Greenwich*, and for the further Benefit thereof; and also so much of an Act passed in the Eighth Year of the Reign of His Majesty King *George* the First, for the more effectual Suppression of Piracy, as relates to the Admission of Merchant Seamen into *Greenwich* Hospital; and also an Act passed in the Second Year of the Reign of King *George* the Second, for the more effectual collecting, in *Great Britain* and *Ireland*, and other Parts of His Majesty's Dominions, the Duties granted for the Support of the said Royal Hospital; and also so much of an Act passed in the Eighth Year of the Reign of King *George* the Second, for the Application of the Rents and Profits of the Estates forfeited by the Attainders of *James* Earl of *Derwentwater* and *Charles Radcliffe*, as relates to the Admission of Merchant Seamen into the said Hospital; and also an Act passed in the Eighteenth Year of the Reign of King *George* the Second, for the more effectually recovering and collecting of the Duties granted towards the Support of *Greenwich* Hospital, and for other Purposes; and also so much of an Act passed in the Second Year of the Reign of King *George* the Third, for making perpetual an Act for the better Regulation and Government of Seamen in the Merchant Service, and for extending the Provisions thereof to His Majesty's Colonies

Repeal of 7 & 8 W. 3. c. 21.

8 & 9 W. 3. c. 23.

10 Anne, c. 17.

8 G. 1. c. 24. s. 5.

2 G. 2. c. 7.

8 G. 2. c. 29. s. 10.

18 G. 2. c. 31.

2 G. 3. c. 31. s. 2.

Colonies in *America*, as relates to the Payment, Recovery, and Application of all Penalties and Forfeitures incurred under an Act passed in the Second Year of the Reign of King *George* the Second, for the better Regulation and Government of Seamen in the Merchant Service; and also so much of the said Act passed in the Second Year of the Reign of His present Majesty as enacts that the said Abatement shall be made out of the Wages of Persons serving in any Ship or Vessel belonging to or employed in the Service of His Majesty in the several Public Departments, shall be and the same are hereby repealed; save and except as to all Matters and Things required to be done, and all Abatements and Payments to be made, for any Period previous to the First Day of *January* One thousand eight hundred and thirty-five, in pursuance of any of the said Acts and Parts of Acts hereby repealed; and also save and except as to all Penalties and Forfeitures already incurred or which shall or may be incurred under any of the Provisions of the said Acts.

2 W. 4. c. 40. s. 23.

except as to Matters required to be done previous to 1st Jan. 1835, and to Penalties incurred.

II. And whereas the Sum available towards the Support of the said Royal Hospital from the Sources provided by the said repealed Acts hath upon an Average amounted annually to the Sum of Twenty-two thousand Pounds or thereabouts: And whereas the Revenues of the said Hospital will by such Repeal be so greatly diminished as to render them wholly inadequate to the Maintenance of its Establishment, and it is highly becoming the Honour and Character of the *British* Nation that those Seamen and Marines who have been or shall hereafter be maimed, wounded, disabled, or worn out in its Service on board any of the Ships of War of His Majesty, or in the Naval Service of the Country, should be supported according to the original Design of the Foundation of the said Hospital, and that they should not be left destitute, and it is consequently necessary that other permanent Funds should be provided for its Maintenance; be it therefore further enacted, That from and after the Thirty-first Day of *December* One thousand eight hundred and thirty-four there shall be annually charged upon and payable out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland* the Sum of Twenty thousand Pounds, which Sum shall be paid to the Commissioners of the said Royal Hospital at *Greenwich* by equal half-yearly Payments on the Fifth Day of *January* and the Fifth Day of *July* in each Year, to be by the said Commissioners applied towards the Maintenance of the said Establishment; the first of which half-yearly Payments shall be made on the Fifth Day of *July* One thousand eight hundred and thirty-five.

An Annual Sum of 20,000*l.* to be charged on the Consolidated Fund.

III. And be it further enacted, That it shall be lawful for the Lord High Treasurer or the Commissioners of the Treasury of the United Kingdom of *Great Britain* and *Ireland* for the Time being, or any Three or more of them, and they are hereby required, by Warrant under their Hands, to direct a Debenture to be made forth and passed by the proper Officers at the Receipt of His Majesty's Exchequer, from Time to Time, for paying the said

The Treasury to direct Debentures to be made out for the Payment of the said Sum

said Sum in manner as aforesaid, as the same shall from Time to Time become due and payable, according to the true Intent and Meaning of this Act; which said Warrant, and Debenture to be made forth and passed thereon, respectively, shall be sufficient Authority to the several and respective Officers of the Receipt of the Exchequer, now and for the Time being, for the Payment of such Sum at the respective Days to be appointed for such Payments, without any further or other Warrant to be sued for, had, or obtained in that Behalf.

LONDON: Printed by GEORGE EYRE and ANDREW SPOTTISWOODE, Printers to the King's most Excellent Majesty. 1834.

ANNO QUARTO & QUINTO

GULIELMI IV. REGIS.

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CAP. XXXV.

An Act for the better Regulation of Chimney Sweepers and their Apprentices, and for the safer Construction of Chimneys and Flues.

[25th *July* 1834.]

WHEREAS an Act was passed in the Twenty-eighth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for the better Regulation of Chimney Sweepers and their Apprentices*, the Provisions whereof have been found insufficient to guard and protect Children of tender Years apprenticed to Chimney Sweepers against various Casualties incident to the Practice of cleansing Flues by climbing: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act the said Act of the Twenty-eighth Year of the Reign of His said late Majesty shall be and the same is hereby repealed. 28 G. 3. c. 48. Recited Act repealed.

II. And be it further enacted, That from and after the passing of this Act no Child who shall not have attained the Age of Ten Years shall be bound or put Apprentice to any Person using the Trade or Business of a Chimney Sweeper. No Child under 10 Years to be apprenticed to a Chimney Sweeper.

III. And

Chimney Sweepers taking Apprentices to be Householders.

III. And be it further enacted, That from and after the passing of this Act no Chimney Sweeper or other Person who shall not be a Housekeeper in the Parish or other Place in which such Chimney Sweeper or other Person shall reside, and be rated to the Relief of the Poor of such Parish, or assessed for Payment of Taxes in such other Place, shall take or be deemed capable of taking an Apprentice to learn or to practise the Business of a Chimney Sweeper, or of employing in such Trade any Child under the Age of Fourteen Years.

Indentures of Boys under 10 Years of Age to be void.

IV. And be it further enacted, That all Indentures, Covenants, Promises, and Bargains hereafter to be made or taken of or for the hiring, taking, employing, retaining, or keeping of any Child who shall be under the Age of Ten Years, as or in the Nature of an Apprentice or Servant in the Capacity of a Chimney Sweeper, shall be absolutely void in Law to all Intents and Purposes.

Indentures executed previous to the passing of this Act to remain in force.

V. Provided always, and be it further enacted, That nothing in this Act contained shall extend, or be deemed, taken, or construed to extend, to vacate or cancel any Indenture of Apprenticeship that shall have been actually in conformity with the said recited Act made and executed previous to the passing of this Act for binding any Boy as an Apprentice to any Person using the Trade of a Chimney Sweeper, but that such Indenture of Apprenticeship shall in all respects continue and be in as full Force and Effect as if this Act had not been passed.

Apprentices under 14 Years of Age to be so designated by a Brass Plate on a Leathern Cap.

VI. Provided always, and be it enacted, That every Person using the Trade of a Chimney Sweeper having or retaining or employing in his Service any Apprentice or Apprentices who shall be under Fourteen Years of Age, shall provide for each such Apprentice, so long as he shall remain under the Age of Fourteen, a Leathern Cap, to be worn by such Apprentice when out upon his Duty, having a Brass Plate set or affixed on the Front thereof, with the Name or Names of the Master or Mistress engraved thereon, and also the Name of the Apprentice and the Date of his Indenture of Apprenticeship; and every Master or Mistress neglecting to provide each such Apprentice in his or her Service, being under the Age of Fourteen, with such Leathern Cap and Brass Plate so affixed and engraved as aforesaid, shall for every such Offence forfeit any Sum not exceeding Five Pounds nor less than Forty Shillings.

Penalty on Chimney Sweeper for employing Children under 14 Years of Age, not Apprentices.

VII. And be it further enacted, That from and after the passing of this Act no Person in the Trade of a Chimney Sweeper shall hire, use, retain, or employ any Child under the Age of Fourteen Years, other than an Apprentice bound according to the Provisions of or previous to the passing of this Act, and also other than such Boy or Boys as shall be upon Trial with any Master or Mistress Chimney Sweeper as herein-after provided; and that every such Person or Persons so hiring, using, retaining, or employing any such Child, other than an Apprentice as aforesaid, or Boy on Trial as aforesaid, shall for every such Offence forfeit any Sum not exceeding Ten Pounds nor less than Forty Shillings.

VIII. And

VIII. And be it further enacted, That any Person or Persons requiring or compelling any Apprentice or Person of any Description to ascend a Chimney Flue for the Purpose of extinguishing Fire therein shall be held and adjudged to be guilty of a Misdemeanor, and be liable to be proceeded against accordingly.

Requiring any Person to ascend a Flue to extinguish Fire, a Misdemeanor.

IX. And to the end that the Age and Time of the Continuance of Service of every Apprentice bound pursuant to the Provisions of this Act may certainly appear, be it further enacted, That every Binding of a Child as an Apprentice to any Person using or carrying on the Trade of a Chimney Sweeper, and whether such Binding shall be by a Parish Officer or by the Parent or next Friend of the Child, and also every Assignment of such Apprentice, shall take place by and with the Consent of Two of His Majesty's Justices of the Peace acting in and for any County, Stewartry, Riding, City, Town Corporate, Borough, Division, or Place within the United Kingdom of *Great Britain* and *Ireland*, such Consent and Approbation to be signified by such Justices in Writing under their Hands, indorsed on the Indenture of Apprenticeship or any Assignment thereof, such Indenture and Consent respectively to be according to the Forms prescribed in the Schedule hereunto annexed; and every Indenture or Assignment which shall not be in the Form so prescribed, or shall not have such Consent so indorsed thereon and signed as aforesaid, shall be absolutely null and void.

Binding or Assignment of Apprentices to Chimney Sweepers shall take place by Consent of Two Justices, and be indorsed on the Indenture.

X. And be it further enacted, That the Age of every such Child so to be bound Apprentice shall be mentioned and inserted in such Indenture, being taken truly from the Copy of the Entry in the Register Book wherein the Time of his being baptized is or shall be entered (where the same can or may be had), which Copy shall be given and attested by the Minister, Vicar, or Curate of the Parish or Place wherein such Child's Baptism shall be registered, without Fee or Reward, and may be written upon Paper or Parchment; and where no such Copy of any Entry of such Child being baptized can be had, such Justices of the Peace shall as fully as they can inform themselves of his Age, and from such Information shall insert the same in the said Indenture; and the Age of such Child so inserted and mentioned in the said Indenture (in relation to the Continuance of his Service) shall be taken to be his true Age without any further Proof thereof.

Age of the Apprentice to be inserted in the Indenture.

XI. And be it further enacted, That no Person exercising the Trade or Business of a Chimney Sweeper shall let out to Hire by the Day or otherwise, to any other Person, for the Purpose of Chimney sweeping, any Child already an Apprentice or that shall hereafter be bound Apprentice under the Directions of this Act.

Boys not to be let out to Hire.

XII. And whereas it is advisable that before any Boy shall be bound by Indenture to learn the Business of a Chimney Sweeper, a previous Trial of such Business should take place on the Part of the Boy, under proper Regulations; be it therefore further enacted, That before any Boy shall be bound as an Apprentice by Indenture as herein provided, it shall be lawful for the intended Master of such Boy

Boys to have a Trial of the Business previous to being apprenticed.

Boy to have and receive such Boy in such Master's House upon Trial for any Time not exceeding Two Calendar Months from the Commencement of such Trial, and during such Period of Trial to permit and suffer such Boy to ascend Chimneys and to work in all respects as an Apprentice in the said Business of a Chimney Sweeper: Provided always, that before the Commencement of such Trial such Boy, with his Parent, next Friend or Guardian, or Parish Officer, and such intended Master, shall go before any Two Justices of the Peace acting in and for the County, Stewartry, Riding, City, Town Corporate, Borough, Division, or Place where such intended Master shall reside, and shall enter and register with the Clerk to the said Justices the Name and Residence of the intended Master, and also the Name, Residence, and Age of such Boy, and the Names and Residences of the Parties accompanying such Boy, and also the intended Period of Trial, which shall be deemed to commence on the Day after such Entry and Register, and shall not exceed the Term of Two Calendar Months from such Day: Provided also, that such Boy shall at the Commencement of such Trial be of the full Age of Ten Years, to be ascertained as herein directed in other Cases.

Justices to examine Boys who have been upon Trial before Binding, and if Boys are unwilling shall refuse their Sanction.

XIII. And be it further enacted, That the Justices of the Peace before whom any Boy shall be brought for the Purpose of being bound to a Chimney Sweeper, and which Boy shall have been upon Trial with the intended Master or Mistress, shall ascertain from such Boy whether he is willing and desirous to follow the Business of a Chimney Sweeper, and to be bound to such Master or Mistress; and in case such Boy shall be unwilling to be bound, such Justices shall and they are hereby required to refuse to sanction or approve of such Binding.

Limitation of Boys on Trial.

XIV. And be it further enacted, That no Master or Mistress Chimney Sweeper shall have more than Two Boys at any One Time on Trial, as herein-before provided, nor more than Four Apprentices at one and the same Time.

Streets not to be hawked or called by Chimney Sweepers.

XV. And be it further enacted, That from and after the passing of this Act it shall not be lawful for any Master or Mistress Chimney Sweeper, or for any Journeyman, Servant, or Apprentice of any Chimney Sweeper, or for any Person whomsoever acting as a Chimney Sweeper, to call or hawk the Streets in any City, Town, or Village, or elsewhere, for Employment in his or her Trade as a Chimney Sweeper; and if any Person, Chimney Sweeper, Journeyman, Servant, or Apprentice, shall offend herein, he shall be subject and liable for every such Offence to forfeit and pay a Sum not exceeding Forty Shillings.

Penalty.

Apprentices not to be evil-treated by their Employers.

XVI. And be it further enacted, That if any such Master or Mistress shall misuse or evil-treat his or her Apprentice, or if the said Apprentice shall have any just Cause to complain of the Forfeiture or Breach of any of the Covenants, Provisions, or Agreements to be expressed and contained in the Indenture, according to the Form in the Schedule hereunto annexed, on the Part and Behalf

Behalf of such Master or Mistress, then and in such Case such Master or Mistress, being convicted thereof, shall forfeit and pay for every such Offence any Sum not exceeding Ten Pounds nor less than Forty Shillings. Penalty.

XVII. And be it further enacted, That it shall and may be lawful for any Two or more Justices of the Peace, and they are hereby authorized and empowered, to inquire into, and examine, hear, and determine, all Complaints of hard or ill Usage exercised by the several and respective Masters or Mistresses towards their Apprentices, whether such Complaints be preferred by any such Apprentice or Apprentices, or by any other Person, and also all Complaints of Masters or Mistresses against such Apprentice or Apprentices, and to make such Orders therein respectively as any Justice or Justices is or are now enabled by Law to do in other Cases between Masters and Apprentices. Complaints preferred by Apprentices or their Employers to be inquired into by Justices.

XVIII. And whereas it is expedient that for the better Security from Accidents by Fire or otherwise an improved Construction of Chimneys and Flues should hereafter be adopted; be it therefore further enacted, That all Withs and Partitions between any Chimney or Flue which at any Time after the passing of this Act shall be built or rebuilt shall be of Brick or Stone, and at least equal to Half a Brick in Thickness; and every Breast, Back, and With or Partition of any Chimney or Flue, hereafter to be built or rebuilt, shall be built of sound Materials, and the Joints of the Work well filled in with good Mortar or Cement, and rendered or stuccoed within; and also that every Chimney or Flue hereafter to be built or rebuilt in any Wall, or of greater Length than Four Feet out of any Wall, not being a circular Chimney or Flue of Twelve Inches in Diameter, shall be in every Section of the same not less than Fourteen Inches by Nine Inches; and no Chimney or Flue shall be constructed with any Angle therein which shall be less obtuse than an Angle of One hundred and twenty Degrees, and every salient or projecting Angle in any Chimney or Flue shall be rounded off Four Inches at the least; upon pain of Forfeiture, by every Master Builder or other Master Workman who shall make or cause to be made such Chimney or Flue, of the Sum of One hundred Pounds, to be recovered, with full Costs of Suit, by any Person who shall sue for the same in any of His Majesty's Courts of Record at *Westminster*: Provided nevertheless, and be it enacted, That nothing in this Clause contained shall be construed to prevent Chimneys or Flues being built at Angles with each other of Ninety Degrees and more, such Chimneys or Flues having therein proper Doors or Openings not less than Six Inches square. Materials and Construction of Chimneys and Flues particularly directed. Regulations as to Angles of Flues. Chimneys of a certain Construction may be built at Angles.

XIX. And be it further enacted, That all Convictions for Penalties and Forfeitures by this Act imposed for any Offence against the same shall be made by any Two or more Justices of the Peace, either by Confession of the Offender or upon the Oath or Affirmation of One or more credible Witness or Witnesses. Convictions to be made before Two Justices.

Penalties how to be levied and applied.

XX. And be it further enacted, That all Penalties and Forfeitures by this Act imposed for any Offence, Neglect, or Default against the same, and the Costs and Charges attending the Recovery thereof, shall be levied by Distress and Sale of the Goods and Chattels of the Offender or Person liable or ordered to pay the same respectively, by Warrant under the Hands and Seals of Two or more Justices of the Peace acting for the County, Stewartry, Riding, City, Town, Borough, Division, or Place where the Offence, Neglect, or Default shall happen, rendering the Overplus of such Distress and Sale (if any) to the Party or Parties, after deducting the Charges of making the same, which Warrant such Justices are hereby empowered and required to grant, upon Conviction of the Offender by Confession or upon Oath or Affirmation of One or more credible Witness or Witnesses, or upon Order made as aforesaid; and the Penalties, Forfeitures, Costs, and Charges, when so levied, shall be paid, the one Half to the Informer, and the other Half to the Overseers of the Poor of the Parish, Township, or Place where the Master or Mistress of such Apprentice or Servant shall dwell and inhabit, to be by such Overseers applied in aid of the Rate raised for the Relief of the Poor of such Parish, Township, or Place, or, in case there shall be no such Overseer, to His Majesty.

In default of Payment of Penalty, Parties convicted to be sent to Prison.

XXI. And be it further enacted, That the Justices of the Peace by whom any Person shall be convicted and adjudged to pay any Sum of Money for any Offence against this Act may adjudge that such Person shall pay the same, together with Costs, either immediately or within such Period as the said Justices shall think fit, and that in default of Payment at the Time appointed such Person shall be imprisoned in the Common Gaol or House of Correction (with hard Labour), as to the said Justices shall seem meet, for any Time not exceeding Two Calendar Months where the Amount of the Sum forfeited or of the Penalty imposed, together with the Costs, shall not exceed Five Pounds, and for any Term not exceeding Three Calendar Months in any other Case; the Commitment to be determinable in each of the Cases aforesaid upon Payment of the Amount and Costs.

Inhabitants may be Witnesses.

XXII. And be it further enacted, That no Inhabitant of any Parish, Township, or Place shall be deemed an incompetent Witness in any Suit, Action, Information, Complaint, Appeal, Prosecution, or Proceeding to be had, made, prosecuted, or carried on under the Authority of this Act for any Offence committed within such Parish or Township or Place, by reason of such Person being rated or assessed to, or liable to be rated or assessed to, or being otherwise interested in, the Rates or Assessments of any such Parish, Township, or Place.

Distress not to be deemed unlawful for Want of Form.

XXIII. And be it further enacted, That where any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers, on account of any Default or Want of Form in any Proceedings relating thereto, nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers *ab initio*, on account of any Irregularity which shall

shall be afterwards done by the Party or Parties distraining, but the Person or Persons aggrieved by such Irregularity may recover a full Satisfaction for the special Damage in an Action on the Case, to be brought in some of the Courts of Record at *Westminster* or *Dublin*, or by Action raised or Complaint preferred in any Court of Session in *Scotland*: Provided always, that no Plaintiff or Plaintiffs shall recover in any Action for any such Irregularity, Trespass, or wrongful Proceeding, if Tender of sufficient Amends shall be made by or on the Behalf of the Party or Parties who shall have committed or caused to have been committed any such Irregularity or wrongful Proceedings before such Action or Complaint brought; and in case no such Tender shall have been made, it shall and may be lawful for the Defendant or Defendants in any such Action, by Leave of the Court where such Action shall depend, at any Time before Issue joined, to pay into Court such Sum of Money as he or they shall see fit, whereupon such Proceedings or Orders and Judgments shall be had, made, and given in and by such Court as in other Actions where the Defendant or Defendants is or are allowed to pay Money into Court.

Plaintiff not to recover for any Irregularity if Tender of sufficient Amends be made.

XXIV. And be it further enacted, That in all Cases where the Sum adjudged to be paid on any Conviction shall exceed Five Pounds, or the Imprisonment adjudged shall exceed One Calendar Month, any Person who shall think himself or herself aggrieved by any such Conviction may appeal to the next Court of General or Quarter Sessions which shall be holden not less than Twelve Days after the Day of such Conviction for the County, Riding, or Division wherein the Cause of Complaint shall have arisen: Provided that such Person shall give to the Complainant a Notice in Writing of such Appeal, and of the Cause and Matter thereof, within Three Days after such Conviction, and Seven clear Days at the least before such Sessions, and shall also either remain in Custody until the Sessions, or enter into a Recognizance, with Two sufficient Sureties, before a Justice of the Peace, conditioned personally to appear at the said Sessions, and to try such Appeal, and to abide the Judgment of the Court thereupon, and to pay such Costs as shall be by the Court awarded; and upon such Notice being given, and such Recognizance being entered into, the Justice before whom the same shall be entered into shall liberate such Person if in Custody; and the Court at such Sessions shall hear and determine the Matter of the Appeal, and shall make such Order therein, with or without Costs to either Party, as to the Court shall seem meet; and in case of the Dismissal of the Appeal or the Affirmance of the Conviction shall order and adjudge the Offender to be punished according to the Conviction, and to pay such Costs as shall be awarded, and shall, if necessary, issue Process for enforcing such Judgment.

Appeal.

XXV. And be it further enacted, That no Conviction, or Adjudication made on Appeal thereupon, shall be quashed for Want of Form, or be removed by Certiorari or otherwise into any of His Majesty's superior Courts of Record; and no Warrant of Commitment shall be held void by reason of any Defect therein, provided it be therein alleged that the Party has been convicted, and there be a good and valid Conviction to sustain the same.

No Conviction to be quashed for Want of Form, or removable by Certiorari.

XXVI. And

Term of Act.

XXVI. And be it further enacted, That this Act shall be and continue in force until the First Day of *January* in the Year One thousand eight hundred and forty, and from thence until the End of the then next Session of Parliament.

Act may be altered this Session.

XXVII. And be it further enacted, That this Act may be altered, amended, or repealed by any Act to be passed in the present Session of Parliament.

The SCHEDULE to which this Act refers.

Form of Indenture.

This Indenture, made the Day of in the Year of the Reign of our Sovereign Lord by the Grace of God, of the United Kingdom of *Great Britain* and *Ireland*, King, Defender of the Faith, and in the Year of our Lord between *A. B.* and *C. D.*, Churchwardens and Overseers of the Poor of the Parish of in the County of [*or E. F. the Father or next Friend of the Boy to be placed out, as the Case may be,*] of the one Part, and *L. M.* of Number in Street in the Parish of in the County of Chimney Sweeper, of the other Part, witnesseth, that the said Churchwardens and Overseers of the Poor, [*or* the said *E. F., as the Case may be,*] by and with the Consent and Approbation of *G. H.* and *I. K.*, Two of His Majesty's Justices of the Peace acting in and for the County, Stewartry, Riding, City, Town, Borough, Division, *or* Place, [*as the Case may be,*] signified as hereunder written, put and bound, and by these Presents put and bind *N. O.* of the said Parish, Township, *or* Place, being of the Age of Years [*as the Case may be*], to be Apprentice to the said *L. M.*, he having now other Apprentice or Apprentices and no more [*as the Case may be*], to learn the Trade or Business of a Chimney Sweeper, and with him [*or* her] to dwell, remain, and serve from the Day of the Date of these Presents, for and during the Term of Years from hence next ensuing fully to be complete and ended, during all which Time he the said *N. O.* as such Apprentice his said Master [*or* Mistress] faithfully shall serve and obey, his [*or* her] Secrets keep, and his [*or* her] lawful Commands every where gladly do and perform; he shall not haunt Alehouses or Gaming Houses, nor absent himself from the Service of his said Master [*or* Mistress] Day or Night without his [*or* her] Leave, but in all Things as a faithful Apprentice shall behave himself towards his said Master [*or* Mistress] and all his [*or* her's] during the said Term: And the said *L. M.* in consideration of the Good-will which he [*or* she] hath and beareth towards the said Apprentice, and of the faithful Service so to be performed by him, doth hereby covenant, promise

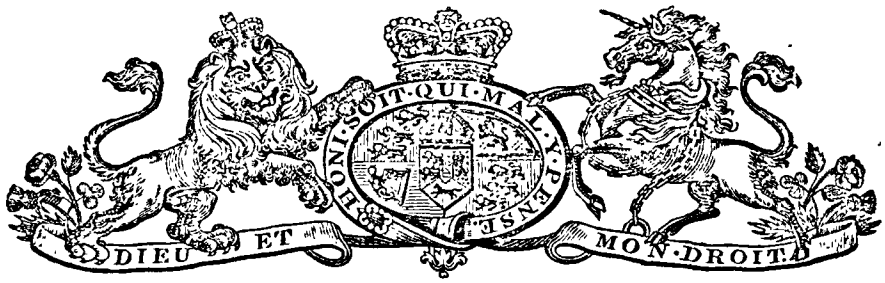
promise, and agree with the said Churchwardens and Overseers of the Poor [*or* the said *E.F.*, *as the Case may be*], that he [*or* she] the said *N. O.* his [*or* her] said Apprentice, in the Trade or Business of a Chimney Sweeper, which he [*or* she] now useth, shall and will teach and instruct, or cause to be taught and instructed, in the best Manner that he [*or* she] can, and shall and will provide and allow unto the said Apprentice, during all the said Term, competent and sufficient Meat, Drink, Washing, Lodging, Apparel, and all other Things necessary for the said Apprentice; and that the said *L. M.* Executors, Administrators, or Assigns, shall not nor will assign over this present Indenture, or the Apprentice bound thereby, without the Consent and Approbation in Writing of Two or more such Justices of the Peace, to be signified according to the Form of the Approbation hereunder written: And whereas, from the Nature of the Business or Employment of a Chimney Sweeper, it is necessary for the Boys employed in climbing to have a Dress particularly suited to that Purpose, which Dress is only fit for that Part of the Occupation, the said *L. M.* doth hereby also covenant, promise, and agree to and with the said Churchwardens and Overseers of the Poor [*or* the said *E.F.*, *as the Case may be*,] to find and allow such suitable Dress for the said Apprentice as often as Need or Occasion shall be and require, and provide for and deliver to the said Apprentice once in every Year at least during the Term aforesaid, over and above the said Dress proper for climbing, One whole and complete Suit of Clothing, with suitable Linen, Stockings, Cap or Hat, and Shoes; and further, that the said *L. M.* shall and will at least once in every Week cause the said Apprentice to be thoroughly washed and cleansed from Soot and Dirt; and shall and will require the said Apprentice to attend the Public Worship of God on the Sabbath Day, and permit and allow him to receive the Benefit of any other religious or useful Instruction; and that the said Apprentice shall not wear his Sweeping Dress on that Day; and that the said *L. M.* shall not nor will compel or oblige or permit the said Apprentice to call the Streets; and further, shall not nor will compel or oblige the said Apprentice to exercise his Business between the Hours of Eight at Night and Four o'Clock in the Morning from the First Day of November to the last Day of March inclusive; nor shall the said *L. M.* or any Person or Persons whomsoever by his [*or* her] Directions, require or force him the said Apprentice to climb or go up any Chimney which shall be actually on fire, nor make use of any violent or improper Means to force him to climb or go up any Chimney, but shall in all Things treat his [*or* her] said Apprentice with Care and Humanity.

Form of Approbation by Justices.

We, *G. H.* and *I. K.*, Two of His Majesty's Justices of the Peace acting in and for the County, Stewartry, Riding, City, Town, Borough, Division, *or* Place, [*as the Case may be*,] having inspected

and examined the within-named *N. O.* [*the Boy to be placed out or assigned over*], and it having been proved to our Satisfaction that he is of the Age of Ten Years and upwards, do hereby consent to and approve of his being bound [*or* assigned over] as an Apprentice to the within-named *L. M.* [*the Master or Mistress*], according to the Terms and Stipulations expressed in the within-written Indenture.

LONDON: Printed by GEORGE EYRE and ANDREW SPOTTISWOODE, Printers to the King's most Excellent Majesty. 1834.



ANNO QUARTO & QUINTO

GULIELMI IV. REGIS.

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"Central Criminal Court."

to be called the "Central Criminal Court," to which His Majesty, and His Heirs and Successors, may direct his general Commission as herein-after mentioned; and which Court shall have Jurisdiction to hear, try, and determine all Offences committed or alleged to be committed as herein-after specified.

His Majesty may issue a Commission of Oyer and Terminer and Gaol Delivery for London and Middlesex, and certain Parts of Essex, Kent, and Surrey.

II. And be it further enacted, That it shall be lawful for His Majesty, His Heirs and Successors, from Time to Time to command and cause to be issued Commissions of Oyer and Terminer to inquire of, hear, and determine all Treasons, Murders, Felonies, and Misdemeanors committed within the City of *London* and County of *Middlesex*, and those Parts of the Counties of *Essex*, *Kent*, and *Surrey*, within the Parishes of *Barking*, *East Ham*, *West Ham*, *Little Ilford*, *Low Layton*, *Walthamstow*, *Wanstead St. Mary*, *Woodford*, and *Chingford*, in the County of *Essex*; *Charlton*, *Lee*, *Lewisham*, *Greenwich*, *Woolwich*, *Eltham*, *Plumstead*, *St. Nicholas Deptford*, that Part of *St. Paul Deptford* which is within the said County of *Kent*, the Liberty of *Kidbrook*, and the Hamlet of *Mottingham*, in the County of *Kent*; and the Borough of *Southwark*, the Parishes of *Battersea*, *Bermondsey*, *Camberwell*, *Christchurch*, *Clapham*, *Lambeth*, *St. Mary Newington*, *Rotherhithe*, *Streatham*, *Barnes*, *Putney*, that Part of *St. Paul Deptford* which is within the said County of *Surrey*, *Tooting Graveney*, *Wandsworth*, *Merton*, *Mortlake*, *Kew*, *Richmond*, *Wimbledon*, the *Clink Liberty*, and the District of *Lambeth Palace*, in the County of *Surrey*; and also Commissions of Gaol Delivery to deliver His Majesty's Gaol of *Newgate* of the Prisoners therein charged with any of the Offences aforesaid, committed within the Limits aforesaid; and it shall be lawful for the Justices and Judges of the Central Criminal Court aforesaid, or any Two or more of them, to inquire of, hear, determine, and adjudge all such Treasons, Murders, Felonies, and Misdemeanors, and all Treasons, Murders, Felonies, and Misdemeanors which might be inquired of, heard, and determined under any Commission of Oyer and Terminer for the City of *London* or County of *Middlesex*, or Commission of Gaol Delivery to deliver the Gaol of *Newgate*, or which, in case the Parts of the Counties of *Essex*, *Kent*, and *Surrey* respectively comprised within the Limits aforesaid had been Counties of themselves, might have been inquired of, heard, and determined under Commissions of Oyer and Terminer and Gaol Delivery for such Counties, and to deliver the said Gaol of *Newgate* at such Times and Places in the said City or the Suburbs thereof as by the said Commissions shall be appointed, or as the said Justices and Judges by virtue and in pursuance thereof, or any Two or more of them, shall appoint, and to award and issue all Precepts and Process, and use and exercise all Powers and Authorities belonging to Justices of Oyer and Terminer and Gaol Delivery: Provided always, that such Court shall have Power and Jurisdiction to proceed on every such Commission so issued as aforesaid and act under such Commission until a new Commission shall be issued.

New District to be considered as One County, and

III. And be it further enacted, That the District situated within the Limits of the Jurisdiction herein-before established shall be deemed and taken to be, in all Cases tried before the said Justices and Judges,

One County for all Purposes of Venue, local Description, Trial, Judgment, and Execution, not herein specially provided for; and that in all Indictments and Presentments preferred and tried before the said Justices and Judges the Venue laid in the Margin shall be as follows, "Central Criminal Court to wit;" and all Offences which in other Indictments would be laid to. have been committed in the County where the Trial is had, and all material Facts which would be in other Indictments averred to have taken place in the County where the Trial is had, shall, in Indictments prepared and tried in the said Court, be laid to have been committed and averred to have taken place "within the Jurisdiction of the said Court".

Venue to be "Central Criminal Court to wit," &c.

IV. And be it further enacted, That the Sheriffs of the City of *London*, and of the Counties of *Middlesex*, *Essex*, *Kent*, and *Surrey*, respectively, shall execute and obey all Precepts and Process which the said Justices and Judges shall award, issue, and direct unto them respectively, and shall, whenever required and commanded, summon and return from the said City of *London* and County of *Middlesex*, and from the Parts of the said Counties of *Essex*, *Kent*, and *Surrey* within the Limits of this Act, a competent Number of Persons qualified according to Law to inquire of, present, and try all Offences and other Matters cognizable by the said Justices and Judges; and the Persons so returned, whether taken wholly from the City of *London* or the said Counties, or taken indiscriminately from the said City and the said Counties, shall have Authority to inquire of, present, hear, try, and determine all such Offences and other Matters, and all Issues and all Matters of Fact arising out of such Trials or relating thereto, notwithstanding that such Persons are not Inhabitants of the City, County, or Place where such Offences or other Matters may be committed or arise; and any Person having served upon any Grand Jury or Petty Jury summoned and returned from the said Counties of *Essex*, *Kent*, and *Surrey*, under the Authority of this Act, shall henceforth be exempt for and during Twelve Calendar Months next after such Service from serving upon any Jury in any Court (except the Sessions of the Peace) to be holden for the County in which such Juror shall reside.

Power to summon Juries from London or from the Counties, or from both indiscriminately, to try all Offences cognizable by the Act.

As to Jurors residing within the Limits of the Act in Essex, Kent, and Surrey.

V. And whereas, for the more convenient Distribution of Prisoners, as well before Trial as after, and also for rendering more effectual the Punishment of Imprisonment, it may be expedient that Power should be given to appoint from Time to Time in what Places of Confinement within the Limits of this Act such Prisoners shall be kept in Custody; be it therefore further enacted, That it shall be lawful for His Majesty, by and with the Advice of His Privy Council, from Time to Time to order and direct in what Gaol, House of Correction, or other Prison, being within the Limits of this Act, any Person or Persons charged with or convicted of Offences committed or alleged to have been committed within the Limits of this Act shall be imprisoned or kept in Custody; and that when and so often as His Majesty, by and with the Advice of His Privy Council, shall be pleased to give such Orders and Directions, the said Justices and Judges of Oyer and Terminer and Gaol Delivery, and all Justices of the Peace, Coroners, and other Magistrates acting within the

His Majesty, by Order in Council, to appoint the Places of Confinement for Prisoners.

the Limits of this Act, shall commit all Persons charged or convicted before them to such Gaol, House of Correction, or other Prison as in such Orders or Directions shall be expressed and commanded, any Law, Usage, or Custom to the contrary notwithstanding; provided nevertheless, and it is hereby declared, that the City, County, or Place in which the Offence of such Person or Persons was committed or alleged to have been committed shall be liable to and charged with the Expence of supporting and maintaining such Prisoner during his Imprisonment in such Gaol, House of Correction, or other Prison, at and after such Rate as His Majesty, by and with the Advice of His Privy Council, shall order and direct, and shall be paid by the Treasurer of the said City, County, or Place in which such Offence was committed or alleged to have been committed: Provided nevertheless, that the County of *Middlesex* and City of *Westminster* and Liberty of the *Tower* of *London* shall not be liable to any Charge for the Support and Maintenance of any Prisoner charged with any Offence in the said County, City, or Liberty, who shall be committed to His Majesty's Gaol of *Newgate*.

Penitentiary at Milbank to be one of the Prisons under this Act.

VI. And be it further enacted, That the General Penitentiary at *Milbank* shall be considered one of the Prisons in which His Majesty by virtue of this Act may, with the Advice of His Privy Council, direct any Persons charged or convicted of Offences within the Limits of this Act to be imprisoned and kept in Custody.

Persons sentenced to Imprisonment beyond the Limits of this Act may be removed to the Penitentiary at Milbank.

VII. And be it further enacted, That it shall be lawful for His Majesty, by an Order in Writing to be notified in Writing by One of His Majesty's Principal Secretaries of State, to direct that Persons who may be sentenced to Imprisonment by any Court or competent Authority for any Offence committed beyond the Limits of this Act, and who, having been examined by an experienced Surgeon or Apothecary, shall appear to be free from any putrid or infectious Distemper, and fit to be removed, shall be removed to the Penitentiary at *Milbank*, there to be imprisoned for and during their respective Terms of Imprisonment.

Regulations in all Penitentiary Acts shall apply to Prisoners confined there by the Authority of this Act.

VIII. And be it further enacted, That all Provisions and Regulations expressed and contained in all Acts made for the Government of the General Penitentiary at *Milbank*, and all Powers given by such Acts for the Confinement, Employment, and Management of Convicts removed thereto in pursuance of such Acts, shall be applicable and made available in respect of all Persons who may be removed or sent to such Penitentiary in pursuance of any Order in Council made by the Authority of this Act, as fully, to all Intents and Purposes, as if the said Regulations, Provisions, and Powers were expressed and given by this Act.

Persons convicted may be imprisoned either in the County Gaol or in Newgate.

IX. And be it further enacted, That it shall be lawful to and for the said Justices and Judges of Oyer and Terminer and of Gaol Delivery, or any Two or more of them, to commit any Person or Persons who shall be brought before them charged with any Offence cognizable by such Justices and Judges under and by virtue of this Act, or who shall be convicted or attainted before them,

them, to such Gaol, House of Correction, or other Prison as may be specified in any Order of Council to be made by virtue of this Act, or if no such Order shall have been made, then to the Common Gaol, House of Correction, or other Prison of the City, County, or Place to which such Offender might have been committed if this Act had not passed, or to His Majesty's Gaol of *Newgate*, there to remain until discharged by due Course of Law, or in execution of his or their respective Judgments; and in case of such Commitment to the said Gaol of *Newgate*, Execution of such Judgments shall and may be had and done upon such Person or Persons by the Sheriffs of the said City of *London* in the same Way and as fully to all Intents and Purposes as if the Offence of which such Person or Persons was or were convicted had been committed in the said City of *London*.

Sheriffs of London may execute Judgments.

X. And be it further enacted, That until His Majesty shall be pleased, by and with the Advice of His Privy Council, to order and direct in what Gaol, House of Correction, or other Prison Persons charged with or convicted of Offences committed or alleged to have been committed within the Limits of this Act shall be imprisoned or kept in Custody, it shall be lawful for any Justice of the Peace or Coroner acting in and for the said Counties of *Essex* or *Kent*, so far as relates to the said several Parishes lying within their respective Counties, to commit any Person or Persons charged with any of the Offences aforesaid cognizable by the said Justices and Judges of Oyer and Terminer and Gaol Delivery by virtue of this Act to His Majesty's Gaol of *Newgate*; and also for any Justice of the Peace or Coroner acting in and for the said County of *Surrey*, so far as relates to the several Parishes above mentioned lying within the said County of *Surrey*, to commit any Person charged with any of the Offences aforesaid cognizable by the Justices and Judges of Oyer and Terminer and Gaol Delivery by virtue of this Act to His Majesty's Gaol of *Horsemonger Lane* or *Newington* in and for the County of *Surrey*.

Justices and Coroners in Essex and Kent to commit Offenders to Newgate, and Justices and Coroners in Surrey to commit Offenders to Horsemonger Lane, and certify Examinations to the Court.

XI. And be it further enacted, That every Justice or Coroner acting within the Limits of this Act shall specify in the Commitment that the Person or Persons charged are committed under the Authority of this Act; and such Justice or Coroner shall in all such Cases take the like Examinations, Informations, Bailments, and Recognizances, and certify the same to the said Justices of Oyer and Terminer and Gaol Delivery, as they are required by an Act passed in the Seventh Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for improving the Administration of Criminal Justice in* England; and any Justice of the Peace or Coroner, in default of so doing, shall be liable to the same Fines and Penalties to be imposed by the said Justices and Judges of Oyer and Terminer and Gaol Delivery in the same Manner as is mentioned in the said Act; and when any Person or Persons shall be committed to His Majesty's Gaol for the County of *Surrey* for any Offence cognizable by the said Justices and Judges of Oyer and Terminer and Gaol Delivery by virtue of this Act, by a Commitment specifying that such Person or Persons is or are

Justices and Coroners to specify that Persons are committed under this Act, and to take Examinations, &c. as required under 7 G. 4. c. 64.

Power to remove Prisoners from County Gaol of Surrey to Newgate.

are committed under the Authority of this Act, the Sheriff of the said County of *Surrey*, or the Keeper of the Gaol for the said County, shall, Six Days at least before the Sitting of the next Court of Oyer and Terminer and Gaol Delivery appointed under the Authority of this Act, or at such other Time as the said Justices and Judges of Oyer and Terminer and Gaol Delivery, or any Two or more of them, shall from Time to Time direct, cause such Person and Persons, with their Commitments and Detainers, to be safely removed from the Gaol of the said County of *Surrey*, without the issuing of any Writ of Habeas corpus, or other Writ, to the said Gaol of *Newgate*, there to remain until delivered by due Course of Law.

Power to order Payment of Expences to Prosecutors and Witnesses.

Treasurer of County, or his Agent, to attend the Court, to pay Orders.

XII. And be it further enacted, That it shall be lawful for any Two of the said Justices and Judges of Oyer and Terminer and of Gaol Delivery to order and direct the Costs and Expences of Prosecutors and Witnesses, in all Cases where Prosecutors and Witnesses may be by Law entitled thereto, to be paid by the Treasurer of the County in which the Offence of any Person prosecuted would have been tried but for this Act; and that every such Treasurer or some known Agent shall attend the said Justices and Judges of Oyer and Terminer and Gaol Delivery during the Sitting of the Court, to pay all such Orders.

No Bill of Indictment to be presented to the Grand Jury unless the Prosecutor has been bound by Recognizance.

XIII. And be it further enacted, That no Bill of Indictment for any Misdemeanor (other than Perjury or Subornation of Perjury) which can or may be presented to the Grand Jury at any Sessions of the Peace for the said City of *Westminster* and Borough of *Southwark*, and Counties of *Middlesex*, *Essex*, *Kent*, and *Surrey* respectively, in which such Misdemeanor was committed or alleged to have been committed, shall be presented to the Grand Jury to be summoned under the Authority of this Act, unless the Prosecutor or other Person presenting such Indictment shall have been bound by Recognizance to prosecute or give Evidence at the Sessions to be held under the Authority of this Act against the Person or Persons accused of such Misdemeanor, or unless such Person or Persons accused shall have been committed to or detained in Custody, or shall be bound by Recognizance to appear at the said Sessions to be held under the Authority of this Act.

Court of the Lord Mayor and Aldermen of London may contract with the Justices of Essex, Kent, and Surrey, for the Support of their Prisoners in Newgate.

XIV. And be it further enacted, That it shall be lawful for the Court of the Lord Mayor and Aldermen of the City of *London*, having, the Government and ordering of the said Gaol of *Newgate*, to enter into Agreement with the Justices of the Peace for the said Counties of *Essex*, *Kent*, and *Surrey*, for the Support and Maintenance in the said Gaol of *Newgate* of any Prisoner or Prisoners so committed or removed thereto under the Authority of this Act; and that the Sum to be paid for the Support and Maintenance of such Prisoner or Prisoners in the said Gaol of *Newgate*, and for their Removal therefrom, shall be after such Rate and in such Manner as shall be settled and agreed by and between a Committee of the said Aldermen to be appointed from Time to Time by the said Court of Aldermen and a joint or separate Committee of the Magistrates of the said respective Counties of *Essex*,

Kent, and *Surrey*, to be appointed at the General or Quarter Sessions of the Peace of the said Counties respectively to be holden next after the First Day of *January* in every Year; and in case the said Committee, or either of them, shall not make such Settlement or Agreement as aforesaid, then the Rate and Manner in which such Support and Maintenance shall be paid shall, on the Application of the said Committee of Aldermen at any Time after the Expiration of One Month from the said respective Sessions, be fixed and determined by such of the said Justices and Judges of Oyer and Terminer and Gaol Delivery, or any Two or more of them, as hath or shall have been Justices of His Majesty's superior Courts of *Westminster*; and that the Amount of such Support and Maintenance, to be ascertained in manner aforesaid, shall be paid by the Treasurer of the respective Counties of *Essex*, *Kent*, and *Surrey*, in such Manner as the said Justices and Judges shall order and direct.

If they cannot agree, the Judges to settle the Amount.

XV. And be it further enacted, That the said Justices and Judges of Oyer and Terminer and Gaol Delivery to be appointed under the Authority of this Act, or any Two or more of them, shall hold a Session for the said City of *London* and County of *Middlesex*, and the Parts of the Counties of *Essex*, *Kent*, and *Surrey* herein-before mentioned, in the said City of *London* or Suburbs thereof, at least Twelve Times in each and every Year (and oftener if Need be), such Times to be fixed by general Orders of the said Court, which any Eight or more of the said Judges of His Majesty's Courts of *Westminster* are hereby empowered to make from Time to Time.

Sessions to be holden in London or the Suburbs Twelve Times at least in every Year.

XVI. And be it further enacted, That it shall be lawful for His Majesty's Court of King's Bench, or any Judge thereof, or any Commissioner of Oyer and Terminer and Gaol Delivery under this Act, being a Judge of any of the superior Courts at *Westminster*, or the Chief Judge or any other Judge of the Court of Bankruptcy, or the Recorder for the said City of *London* for the Time being, if such Court, Judge, or Recorder shall think proper, to issue any Writ or Writs of Certiorari, or other Process, directed to His Majesty's Justices of the Peace acting in and for the Cities of *London* and *Westminster*, the Liberty of the *Tower* of *London*, the Borough of *Southwark*, and the Counties of *Middlesex*, *Essex*, *Kent*, and *Surrey*, or either of them, commanding the said Justices of the Peace, or any or either of them, to certify and return into the said Court of Oyer and Terminer and Gaol Delivery Indictments or Presentments found or taken before the said Justices of the Peace, or any of them, of any Offences cognizable by virtue of this Act, and the several Recognizances, Examinations, and Depositions relative to such Indictments and Presentments, so that the same Offences may be dealt with, tried, and determined by the said Justices and Judges of Oyer and Terminer and Gaol Delivery; and also for the like Purpose, by Writ or Writs of Habeas corpus, to cause any Person or Persons who may be in the Custody of any Gaol or Prison charged with any Offences cognizable under this Act to be removed into the Custody of the Keeper of the Gaol of *Newgate*.

Indictments found at the Sessions of the Peace may be removed before Justices of Oyer and Terminer and Gaol Delivery.

XVII. And be it further enacted, That the Justices of the Peace acting in and for the said Cities of *London* and *Westminster*, the Liberty

Quarter Sessions restrained

from trying certain Offences.

Liberty of the *Tower* of *London*, the Borough of *Southwark*, and the Counties of *Middlesex*, *Essex*, *Kent*, and *Surrey*, shall not, at their respective General or Quarter Sessions of the Peace, or any Adjournment thereof, try any Person or Persons charged with any Capital Offence, or with any of the following Offences committed or alleged to be committed within the Limits of this Act; that is to say, Housebreaking, stealing above the Value of Five Pounds in a Dwelling House, Horse-stealing, Sheep-stealing, Cattle-stealing, maliciously wounding Cattle, Bigamy, Forgery, Perjury, Conspiracy, Assault with Intent to commit any Felony, administering or attempting to administer Poison with Intent to kill or to do some grievous bodily Harm, administering Drugs or other Things or doing any thing with Intent to cause or procure Abortion, Manslaughter, destroying or damaging Ships or Vessels, the breaking of Shops, Warehouses, Counting-houses, and Buildings within the Curtilage of Dwelling Houses, killing Sheep with Intent to steal the Carcases, the uttering of all forged Instruments, and the various Offences enumerated in the Act passed in the First Year of the Reign of His present Majesty, intituled *An Act for reducing into One Act all such Forgeries as shall henceforth be punished with Death; and for otherwise amending the Laws relative to Forgery*, forging the Assay Marks on Gold or Silver Plate, and all the Offences relating to Coin enumerated in the Act passed in the Second Year of the Reign of His present Majesty, intituled *An Act for consolidating and amending the Laws against Offences relating to the Coin*, the Abduction of Women, Bankrupts not surrendering under their Commission or concealing their Effects, breaking down Bridges and Banks of Rivers, taking Rewards for helping to stolen Goods, personating any Officer, Seaman, or other Persons in order to receive any Wages, Pay, Allowance, or Prize Money due or supposed to be due, or any Out-Pensioner of *Greenwich* Hospital in order to receive any Out-Pension Allowance due or supposed to be due, sending threatening Letters and using Threats to extort Money, Larceny on navigable Rivers and Canals, and stealing and destroying Goods in progress of Manufacture, and Larcenies after a previous Conviction, Embezzlement, Larceny by Clerks and Servants, and Receivers of stolen Goods, whether such Person or Persons shall be charged as principal Offenders or as Accessories before or after the Fact.

1 W. 4. c. 66.

2 W. 4. c. 34.

Recognizances for prosecuting, giving Evidence, &c. before Sessions of Peace to be obligatory on Persons entering into same to prosecute, give Evidence, &c. before Justices of Oyer and Terminer and Gaol Delivery.

XVIII. And be it further enacted, That every Recognizance which shall have been or shall be entered into for the Prosecution before His Majesty's Justices of the Peace aforesaid of any Person for any Offence cognizable under this Act, and any Recognizance for the Appearance as well of any Witness to give Evidence upon any Bill of Indictment or Presentment for any such Offence as of any Person to answer our Lord the King for or concerning any such Offence, or to answer generally before such Justice of the Peace, shall, in case any such Writ of Certiorari or Habeas corpus be issued for the Purpose of removing such Indictment or Presentment or such Person so in Custody as aforesaid, be obligatory on the Parties bound by such Recognizance to prosecute and appear and give Evidence and do all other Things therein mentioned with reference to the Indictment or Presentment or the Person so removed as aforesaid before the Justices and Judges of Oyer and Terminer and Gaol

Gaol Delivery acting by virtue of this Act, in like Manner as if such Recognizance had been originally entered into for prosecuting such Offence, appearing, or giving Evidence, or doing such other Things before the said Justices and Judges of Oyer and Terminer and Gaol Delivery; provided that in Cases of Removal from the Jurisdiction of Justices of the Peace for the said Cities of *London* or *Westminster*, the Liberty of the *Tower* of *London*, the Borough of *Southwark*, or Counties of *Middlesex* and *Surrey*, Two Days Notice, and in case of Removal from the Jurisdiction of the Justices of the Peace for the Counties of *Essex* and *Kent* One Week's Notice, shall have been given either personally or by leaving the same at the Place of Residence as of which the Parties bound by such Recognizance are therein described, to appear before the Court of Oyer and Terminer and Gaol Delivery instead of the said other Justices: Provided also, that it shall be lawful for the Court, Judge, or Recorder who shall grant such Writ of Certiorari or Habeas corpus, and it is hereby required that such Court, Judge, or Recorder shall cause the Party applying for such Writ or Writs, whether he be the Prosecutor or Party charged with such Offence, to enter into a Recognizance in such Sum, and with or without Sureties, as the Court, Judge, or Recorder may direct, conditioned to give such Notice as aforesaid to the Parties bound by such Recognizance to appear before the said Court of Oyer and Terminer and Gaol Delivery instead of before the said other Justices respectively, and to do such other Things as such Court, Judge, or Recorder shall direct.

Notice to be given to Parties entering into Recognizances of Change of Court.

XIX. And be it further enacted, That it shall be lawful for the said Justices of the Peace acting in and for the said Cities of *London* and *Westminster*, the Liberty of the *Tower* of *London*, the Borough of *Southwark*, and for the said Counties of *Middlesex*, *Essex*, *Kent*, and *Surrey*, if they shall think fit, to certify, transmit, and deliver to the said Justices and Judges of Oyer and Terminer and Gaol Delivery any Indictment or Presentment found or taken before them at their said respective General or Quarter Sessions of the Peace, or at any Adjournment thereof, for any Offence or Offences cognizable by the said Justices and Judges of Oyer and Terminer and Gaol Delivery by virtue of this Act, in the same Manner to all Intents and Purposes as the said Justices of the Peace might or could do if the said Court of Oyer and Terminer and Gaol Delivery was holden in the County where such Indictments or Presentments were found or taken.

Justices of Peace may deliver over Indictments found at Sessions to the Justices of Oyer and Terminer and Gaol Delivery.

XX. And be it further enacted, That it shall be lawful for the said Justices and Judges of Oyer and Terminer and Gaol Delivery, in Sessions assembled, and they are hereby authorized and required, to ascertain, make, and settle a Table of Fees and Allowances to be received and taken by the several Officers of the said Court, and from Time to Time to alter and vary the same as may to them appear just and reasonable, which said Table of Fees and Allowances shall be hung up in the Court of Sessions, and a Copy thereof transmitted to the Clerks of the Peace of the said Counties of *Middlesex*, *Essex*, *Kent*, and *Surrey*; or it shall be lawful for the said Justices and Judges to ascertain, make, and settle a Salary in lieu of such Fees and

Justices to settle Officers Fees, or a Salary, and direct how the same shall be paid

Allowances, to be paid to the said Officers or either of them for the Performance of their respective Duties, as to the said Justices and Judges of Oyer and Terminer and Gaol Delivery shall seem reasonable and just, and to order and direct how and in what Manner and by whom such Fees and Allowances or Salary shall be paid, and also to order and direct such Portion as they shall think fit of the Expence of preparing Calendars and Sessions Papers, and of other Expences incident to this Act, to be borne and paid by the Treasurer of each of the said Counties, and such Portion shall be paid by such Treasurers accordingly: Provided nevertheless, that the County of *Middlesex* shall not be liable to any Portion of the Expence of preparing Calendars or Sessions Papers, or of any other Expences incident to this Act, to which the said County would not have been liable in case this Act had not been passed.

Sessions of the Peace not to be affected by the Sessions holden in pursuance of this Act.

XXI. Provided nevertheless, and be it further enacted, That nothing herein contained shall hinder or prevent, or shall be construed to hinder or prevent, the Justices of the Peace for the said Cities of *London* and *Westminster*, the Liberty of the *Tower* of *London*, the Borough of *Southwark*, and the said Counties of *Middlesex*, *Essex*, *Kent*, and *Surrey*, from holding their respective General or Quarter Sessions of the Peace in their respective Jurisdictions during the Sitting of the said Court of Oyer and Terminer and Gaol Delivery to be held in pursuance of this Act; and that neither this Act, nor the Commissions of Oyer and Terminer and Gaol Delivery from Time to Time to be issued under the Authority of this Act, shall supersede, interfere with, or affect any other Commission or Commissions of Oyer and Terminer to be at any Time issued by His said Majesty, His Heirs and Successors, in the said Counties of *Essex*, *Kent*, and *Surrey*, or the Jurisdiction by virtue thereof, nor hinder or prevent the Justices of Oyer and Terminer to be from Time to Time appointed by any Commission to be issued under the Authority of this Act from holding their respective Sessions at one and the same Time, it being the true Intent and Meaning of this Act, that the Justices to be named and appointed in and by any other Commissions of Oyer and Terminer and Gaol Delivery to be hereafter issued in the said Counties of *Essex*, *Kent*, and *Surrey*, shall have the like Power and Jurisdiction to inquire of, hear, and determine all Offences by virtue of such Commissions which they would have had if this Act had not been made: Provided nevertheless, that they shall not be required or obliged to inquire of, hear, and determine, or to deliver the respective Gaols or Prisons of the same last-mentioned Counties of any Person or Persons whose Offence or Offences is, are, can, or may be inquired of, dealt with, tried, and determined under and by virtue of the Commissions of Oyer and Terminer and Gaol Delivery to be from Time to Time issued under the Authority of this Act.

Authorizing Court to try Offences committed on the High Seas.

XXII. And whereas it is expedient that Persons charged with certain Offences committed on the High Seas and other Places within the Jurisdiction of the Admiralty of *England* should speedily be brought to Trial; be it therefore enacted by and with the Authority aforesaid, That it shall and may be lawful for the Justices and Judges of Oyer

and Terminer and Gaol Delivery to be named in and appointed by the Commissions to be issued under the Authority of this Act, or any Two or more of them, to inquire of, hear, and determine any Offence or Offences committed or alleged to have been committed on the High Seas, and other Places within the Jurisdiction of the Admiralty of *England*, and to deliver the Gaol of *Newgate* of any Person or Persons committed to or detained therein for any Offence or Offences alleged to have been done and committed upon the High Seas aforesaid within the Jurisdiction of the Admiralty of *England*; and all Indictments found and Trials and other Proceedings had and taken by and before the said Justices and Judges of Oyer and Terminer and Gaol Delivery shall be valid and effectual to all Intents and Purposes whatsoever; and that it shall and may be lawful for any Three of the said Justices and Judges of Oyer and Terminer and Gaol Delivery to order and direct the Payment of the Costs and Expences of such Prosecutions in manner prescribed and directed by the before-recited Act of the Seventh of *George* the Fourth.

Saving the Rights and Privileges of London.

XXIII. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to prejudice or affect the Rights, Interests, Privileges, Franchises, or Authorities of the Lord Mayor, Aldermen, and Recorder of the City of *London*, or their Successors, the Sheriffs of the City of *London* and County of *Middlesex*, for the Time being, or to prohibit, defeat, alter, or diminish any Power, Authority, or Jurisdiction which at the Time of making this Act the said Lord Mayor, Aldermen, and Recorder, for the Time being, of the said City, did or might lawfully use or exercise; and that, notwithstanding any Practice or Custom of the said City of *London* to the contrary, it shall be lawful for the Lord Mayor's Court of the City of *London* to sit on any Day on which any Session of the Peace, Oyer and Terminer and Gaol Delivery shall be held within the said City; and that all Proceedings of the said Lord Mayor's Court that could or might have been had or taken if such Sessions were not held shall and may be had and taken, any Practice, Custom, or Law to the contrary notwithstanding.

Commencement of Act.

XXIV. And be it further enacted, That this Act shall commence and take effect from and after the Thirty-first Day of *October* One thousand eight hundred and thirty-four.

Act may be altered this Session.

XXV. And be it further enacted, That this Act may be amended or altered by any Act to be passed in this present Session of Parliament.

Public Act.

XXVI. And be it enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others, without being specially pleaded.

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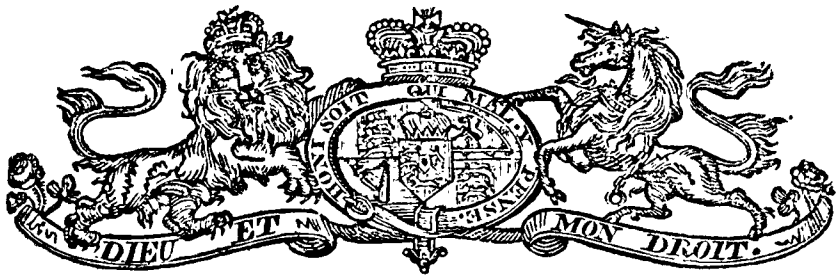

ANNO QUARTO & QUINTO

GULIELMI IV. REGIS.

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CAP. XXXVII.

An Act to prohibit any further Lotteries under an Act passed in the First and Second Years of the Reign of His present Majesty, for the Improvement of *Glasgow*. [25th *July* 1834.]

WHEREAS an Act passed in the First and Second Years of the Reign of His present Majesty, intituled *An Act to amend certain Acts passed in the Reign of His late Majesty King* George *the Fourth, for opening a Street from the Cross of* Glasgow *to* Monteith Row: And whereas Lotteries have been drawn, and advertised to be drawn, under colour of the said recited Act, called *Glasgow* Lotteries: And whereas it is expedient to prohibit the drawing of any further or other Lottery after the Lottery announced and advertised to be drawn as a Third and final *Glasgow* Lottery in *July* in this Year: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act any further Addition to the Number of Tickets comprised in the Scheme of the Lottery already announced and advertised as a Lottery to be drawn in *July* in the present Year, called the Third *Glasgow* Lottery, and any further Continuance of Lotteries under colour of any Authority in the said recited Act, and any further or other Lottery in addition to the said Third Lottery so announced and advertised as aforesaid, shall be and is hereby prohibited and declared to be illegal; and all Persons in any Manner engaged

1 & 2 W. 4. c. viii.

Any further Addition to the Lottery advertised to be drawn in July in the present Year, or any further Continuance of such Lotteries, declared illegal.

engaged therein, or who shall sell any additional Ticket or Tickets, or Chance or Chances, or Share or Shares, beyond or in addition to those in the Scheme announced for drawing in *July* in this Year, or in any such other or further Lottery, or who shall publish any Proposal or Scheme for the Sale of any Ticket or Tickets, Chance or Chances, Share or Shares in any such further or other Lottery, shall be and are hereby declared to be subject to all the Punishments, Penalties, and Forfeitures now in force for the Suppression of illegal Lotteries; any thing in the said recited Act to the contrary notwithstanding.

Nothing herein to legalize any Act already done under colour of the recited Act.

II. Provided always, and be it further enacted, That nothing herein contained shall be construed to legalize any Act, Matter, or Thing which has been already done or may hereafter be done under colour of the said recited Act, and which would not have been legal if this Act had not been passed, nor to render illegal any Act, Matter, or Thing which would have been legal if this Act had not been passed, save and except what is herein expressly enacted or declared to be illegal.

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ANNO QUARTO & QUINTO

GULIELMI IV. REGIS.

****

CAP. XXXVIII.

An Act to continue, under certain Modifications, to the First Day of *August* One thousand eight hundred and thirty-five, an Act of the Third Year of His present Majesty, for the more effectual Suppression of local Disturbances and dangerous Associations in *Ireland*. [30th *July* 1834.]

WHEREAS an Act was passed in the Third Year of His present Majesty, intituled *An Act for the more effectual Suppression of local Disturbances and dangerous Associations in* Ireland, which said recited Act was to continue in force until the First Day of *August* One thousand eight hundred and thirty-four: And whereas it is expedient that the said recited Act should, under certain Modifications, be further continued for One Year: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Act, except such Parts thereof as are hereby repealed, shall be and the same is hereby further continued, and shall be in force until the First Day of *August* One thousand eight hundred and thirty-five. 3 W. 4 c. 4. Recited Act further continued, except as repealed by this Act.

II. And whereas the said recited Act contains certain Enactments and Provisions to authorize the Lord Lieutenant or other Chief Governor or Governors of *Ireland* to prohibit or suppress the meeting of Certain Clauses in recited Act relative to

the Suppression of Meetingsand to the holding of Courts Martial repealed.

of any Association, Assembly, or Body of Persons in *Ireland*, which he or they shall deem to be dangerous to the public Peace or Safety, or inconsistent with the due Administration of the Law, and to prohibit any adjourned, renewed, or otherwise continued Meeting of the same, or any Part thereof, and touching the Suppression and Dispersion of any such Meeting, and the Punishment of Persons present thereat, and certain other Enactments and Provisions to authorize the holding of Courts Martial, and for constituting and appointing such Courts Martial, and for the Trial of certain Persons before such Courts Martial, and for regulating the Proceedings of such Courts Martial, and for carrying into execution the Sentences of such Courts Martial: And whereas it is expedient that all such Enactments and Provisions in the said recited Act should be repealed; be it further enacted, That all such Enactments and Provisions in the said recited Act be and the same are hereby repealed.

Publication of Proclamation revoking a former Proclamation in whole or in part.

III. And be it further enacted, That when any Lord Lieutenant of a County, County of a City, or County of a Town shall receive any Proclamation of the Lord Lieutenant or other Chief Governor or Governors of *Ireland* revoking any Proclamation issued in pursuance of this Act as to the Whole or any Part of the District thereby proclaimed, such Lord Lieutenant of a County, County of a City, or County of a Town, shall forthwith cause a Copy of such new Proclamation to be affixed on some conspicuous Place within the proclaimed District, and thereupon the original Proclamation mentioned therein shall stand and be revoked so far as the said new Proclamation shall purport to revoke the same.

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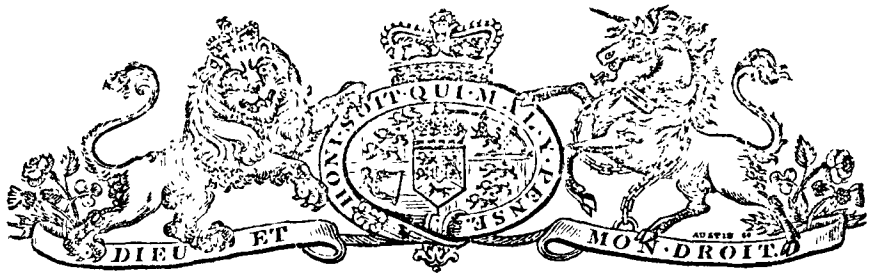

ANNO QUARTO & QUINTO

GULIELMI IV. REGIS.

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CAP. XXXIX.

An Act to give Costs in Actions of Quare impedit.

[30th *July* 1834.]

WHEREAS the Delay and Expence of recovering Advowsons, and the Rights of Patronage and Presentation to Ecclesiastical Benefices, by Actions of Quare impedit, are much increased by reason of the Defendants in such Actions not being liable for the Payment of Costs, and the true Patrons are thereby frequently deterred from the Prosecution of their just Rights; and it is also expedient to afford further Protection to Incumbents of Advowsons from vexatious and unfounded Proceedings to disturb them in the Enjoyment thereof: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That in all Writs and Actions of Quare impedit issued or brought from and after the passing of this Act in *England*, *Wales*, or *Ireland*, where a Verdict shall pass or be given for the Plaintiff or Plaintiffs in any such Writ or Action, the Plaintiff or Plaintiffs in every such Writ or Action, in addition to the Damages to which he or they is or are by Law now entitled, shall also have Judgment to recover his or their full Costs and Charges against the Defendant or Defendants therein, to be assessed, taxed, and levied in such Manner and Form as Costs in personal Actions are now by Law assessed, taxed, and levied; and where in any such Writ or Action the Plaintiff or Plaintiffs therein shall discontinue, or be nonsuited, or a Verdict shall be had against him

Costs may be recovered in Actions of Quare impedit.

If Plaintiff is nonsuited, &c. Defendant to have Judgment.

him or them, that then the Defendant or Defendants in every such Writ or Action shall have Judgment to recover his or their full Costs and Charges against the Plaintiff or Plaintiffs therein, to be assessed, taxed, and levied in manner aforesaid: Provided always, that no Judgment for Costs shall be had against any Archbishop, Bishop, or other Ecclesiastical Patron or Incumbent, if the Judge who shall try the Cause, or if there shall be no Trial by a Jury, the Court in which Judgment shall be given, shall certify that such Archbishop, Bishop, or other Ecclesiastical Patron or Incumbent had probable Cause for defending such Action; but in no Case when the Defence to any such Action shall be grounded upon a Presentation or Presentations, Collation or Collations, previously made to any Benefice, shall such Presentation or Presentations, Collation or Collations, be deemed or considered probable Cause for defending such Action.

Exception.

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ANNO QUARTO & QUINTO

GULIELMI IV. REGIS.

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CAP. XL.

An Act to amend an Act of the Tenth Year of His late Majesty King *George* the Fourth, to consolidate and amend the Laws relating to Friendly Societies. [30th *July* 1834.]

WHEREAS it is expedient to alter and amend an Act made in the Tenth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to consolidate and amend the Laws relating to Friendly Societies:* Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That so much of the said Act as enacts that no Rules shall be allowed unless it shall appear to the Justices to whom the same are tendered that the Tables of the Payment to be made by the Members, and of the Benefits to be received by them, may be adopted with Safety to all Parties concerned; and so much as enacts that the Executors, Administrators, or Assignees of Bankrupts or Insolvents shall pay Money due to Friendly Societies before any other Debts; and so much as enacts that the Funds of any Friendly Society may be subscribed into a Savings Bank; and so much as requires the Returns of the Rate of Sickness and Mortality to be made to the Clerk of the Peace, or as requires Clerks of the Peace to transmit such Returns to the Secretary of State, or as provides that the Friendly Society refusing

10 G. 4. c. 56.

Repeal of 10 G. 4. c. 56. s. 6.

s. 20.

s. 30.

Part of s. 34.

Part of s. 35

s. 36.

refusing or neglecting to make such Return should cease to be entitled to the Privileges of the said recited Act; shall be and the same are hereby repealed.

Purposes for which Societies may be formed under 10 G. 4. c. 56.

II. And whereas it is in and by the said recited Act provided that a Society may be established for the mutual Relief and Maintenance of all and every the Members thereof, their Wives or Children, or other Relations, in Sickness, Infancy, advanced Age, Widowhood, or any other natural State or Contingency whereof the Occurrence is susceptible of Calculation by way of Average: And whereas it is expedient to extend the Object or Purpose for which a Society may be established under the Provisions of the said recited Act; be it therefore enacted, That it shall and may be lawful for any Number of Persons in *Great Britain* and *Ireland* to form themselves into and to establish a Society, under the Provisions of the said recited Act, for the mutual Relief and Maintenance of all and every the Members thereof, their Wives, Children, Relations, or Nominees, in Sickness, Infancy, advanced Age, Widowhood, or any other natural State or Contingency whereof the Occurrence is susceptible of Calculation by way of Average, or for any other Purpose which is not illegal: Provided always, that when the Rules of any Society provide for Relief in any other Case than that of Sickness, Infancy, advanced Age, Widowhood, or other natural State or Contingency as aforesaid, the Contributions for such other Purpose shall be kept separate and distinct, or the Charges defrayed by extra Subscriptions of the Members at the Time such Contingencies take place.

Repeal of 10 G. 4. c. 56. s. 4. and Part of s. 7.

III. And be it further enacted, That so much of the said recited Act as relates to the Rules of Friendly Societies being transmitted to the Barrister or Advocate, and deposited with the Clerk of the Peace and certified by him, as well as so much as relates to Alterations of Rules being certified by the Clerk of the Peace, and that no Rule or Alteration or Amendment should be binding until confirmed by the Justices, and filed under the recited Act, shall be and the same are hereby repealed.

Two Transcripts of Rules to be submitted to a Barrister, &c., by whom they are to be certified.

IV. And be it further enacted, That Two Transcripts, fairly written on Paper or Parchment, of all Rules made in pursuance of the said recited Act or this Act, signed by Three Members, and countersigned by the Clerk or Secretary, (accompanied, in the Case of an Alteration or Amendment of Rules, with an Affidavit of the Clerk or Secretary or One of the Officers of the said Society that the Provisions of the said recited Act, or of the Act under which the Rules of the Society may have been enrolled, have been duly complied with,) with all convenient Speed after the same shall be made, altered, or amended, and so from Time to Time after every making, altering, or amending thereof, shall be submitted, in *England* and *Wales* and *Berwick-upon-Tweed*, to the Barrister at Law for the Time being appointed to certify the Rules of Saving Banks, and in *Scotland* to the Lord Advocate or any Depute appointed by him for that Purpose, and in *Ireland* to such Barrister as may be appointed by His Majesty's Attorney General in *Ireland*, for the Purpose of ascertaining whether the

the said Rules of such Society, or Alteration or Amendment thereof, are calculated to carry into effect the Intention of the Parties framing such Rules, Alterations, or Amendments, and are in conformity to Law and to the Provisions of the said recited Act or this Act; and that the said Barrister or Advocate shall advise with the said Clerk or Secretary, if required, and shall give a Certificate on each of the said Transcripts, that the same are in conformity to Law and to the Provisions of the said recited Act and this Act, or point out in what Part or Parts the said Rules are repugnant thereto; and that the Barrister or Advocate, for advising as aforesaid, and perusing the Rules, or Alterations or Amendments of the Rules, of each respective Society, and giving such Certificates as aforesaid, shall demand no further Fee than that specified in the said recited Act; and one of such Transcripts, when certified by the said Barrister or Advocate, shall be returned to the Society, and the other of such Transcripts shall be transmitted by such Barrister or Advocate to the Clerk of the Peace for the County wherein such Society shall be formed, and by him laid before the Justices for such County at the General Quarter Sessions, or Adjournment thereof, held next after the Time when such Transcript shall have been so certified and transmitted to him as aforesaid; and the Justices then and there present are hereby authorized and required, without Motion, to allow and confirm the same; and such Transcript shall be filed by such Clerk of the Peace with the Rolls of the Sessions of the Peace in his Custody, without Fee or Reward; and that all Rules, Alterations and Amendments thereof, from the Time when the same shall be certified by the said Barrister or Advocate, shall be binding on the several Members and Officers of the said Society, and all other Persons having Interest therein.

Barrister, &c. to certify both Transcripts.

Fee payable to Barrister.

One Transcript to be returned to Society, the other to be sent to Clerk of Peace.

Justices to confirm Rules.

Transcript to be filed.

Rules, &c. to be binding when certified by Barrister.

V. Provided always, and be it enacted, That the said Barrister shall be entitled to no further Fee for or in respect of any Alteration or Amendment of any Rules upon which One Fee has been already paid to the said Barrister within the Period of Three Years: Provided also, that if any Rules, Alterations or Amendments, are sent to such Barrister or Advocate, accompanied with an Affidavit of being a Copy of any Rules, or Alterations or Amendments of the Rules, of any other Society, which shall have been already enrolled under the Provisions of the said recited Act or this Act, the said Barrister or Advocate shall certify and return the same as aforesaid, without being entitled to any Fee for such Certificate.

Barrister not to be entitled to Fee in respect of Alterations within 3 Years, nor for Certificate to Rules being Copies of those already enrolled.

VI. And be it further enacted, That the Returns of the Rate of Sickness and Mortality according to the Form prescribed in the Schedule appended to the said recited Act shall be transmitted at the Periods therein mentioned to the Barrister or Advocate by whom the Rules of the Society may have been certified, and shall by such Barrister or Advocate be transmitted to the Secretary of State, for the Purposes in the said recited Act provided.

Returns of Sickness, &c. to be sent to Barrister.

VII. And whereas in and by the said recited Act Provision is directed to be made by the Rules of every Society whether Reference of any Matter in dispute shall be made to Justices or to Arbitrators: And whereas it is expedient that further Provision should be made in case

If Rules of Society direct Reference in case of Dispute to Arbitration, and

Society refuse to grant Arbitrators, &c. Justices may determine the Dispute

case the Reference is to Arbitrators; be it therefore enacted, That when the Rules of any Society provide for a Reference to Arbitrators of any Matter in dispute, and it shall appear to any Justice of the Peace, on the Complaint on Oath of a Member of any such Society, or of any Person claiming on account of such Member, that Application has been made to such Society, or the Steward or other Officer thereof, for the Purpose of having any Dispute so settled by Arbitration, and that such Application has not within Forty Days been complied with, or that the Arbitrators have neglected or refused to make any Award, it shall and may be lawful for such Justice to summon the Trustee, Treasurer, Steward, or other Officer of the Society, or any One of them against whom the Complaint is made, and for any Two Justices to hear and determine the Matter in dispute, in the same Manner as if the Rules of the said Society had directed that any Matter in dispute as aforesaid should be decided by Justices of the Peace, any thing in the said recited Act contained to the contrary notwithstanding.

Provision in case Member of Society is expelled.

VIII. And be it further enacted, That in case any Member of a Friendly Society established under the said recited Act or this Act shall have been expelled from such Society, and the Arbitrators or Justices, as the Case may be, shall award or order that he or she shall be reinstated, it shall and may be lawful for such Arbitrators or Justices to award or order, in default of such Reinstatement, to the Member so expelled, such a Sum of Money as to such Arbitrators or Justices may seem just and reasonable; which said Sum of Money, if not paid, shall be recoverable from the said Society, or the Treasurer, Trustee, or other Officer, in the same Way as any Money awarded by Arbitrators is recoverable under the said recited Act.

Funds of Friendly Society may be deposited in Savings Bank.

9 G. 4. c. 92.

IX. And be it further enacted, That it shall be lawful for any Society established under the Authority of the said recited Act or this Act from Time to Time to subscribe the Whole or any Part of the Funds of such Society into the Funds of any Institution which shall have taken the Benefit of an Act passed in the Ninth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to consolidate and amend the Laws relating to Savings Banks*, subject to the Provisions in that Act contained relating to Friendly Societies, except so much thereof as restricts the Amount allowed to be invested, which Restriction as to the Amount allowed to be invested by any Friendly Society is hereby repealed: Provided always, that it shall not be necessary for the Trustees of any Savings Bank to enrol at the Sessions any Alteration in the Rules of such Institution which may be occasioned by the Provision herein contained.

Members of Friendly Societies may be Witnesses.

X. And be it further enacted, That on the Trial of any Action, Indictment, or other Proceeding respecting the Property of any Society enrolled under the Authority of the said recited Act or this Act, or in any Proceedings before any Justice of the Peace, any Member of such Society shall be a competent Witness, and shall not be objected to on account of any Interests he may have as such Member in the Result of such Action, Indictment, or other Proceeding.

XI. And

No Fee for Oaths before Magistrates in obtaining Payment of Sick Pay.

XI. And be it further enacted, That no Fee shall be charged to any Member of any Friendly Society whatever for any Oath or Oaths which he may be legally required to make before a Magistrate or Magistrates in order to obtain the Payment of his Sick Pay or Allowance; any Law, Usage, Rule, or Custom to the contrary not withstanding.

Executors, &c. of Officers of Friendly Society to pay Money due to Society before any other Debts.

XII. And be it further enacted, That if any Person already appointed or who may hereafter be appointed to any Office in a Society established under the said recited Act or this Act, and being entrusted with the keeping of the Accounts, or having in his Hands or Possession, by virtue of his said Office or Employment, any Monies or Effects belonging to such Society, or any Deeds or Securities relating to the same, shall die, or become a Bankrupt or Insolvent, or have any Execution or Attachment or other Process issued, or Action or Diligence raised, against his Lands, Goods, Chattels, or Effects, or Property or Estate, Heritable or Moveable, or make any Assignment, Disposition, Assignation, or other Conveyance thereof for the Benefit of his Creditors, his Heirs, Executors, Administrators, or Assignees, or other Persons having legal Right, or the Sheriff or other Officer executing such Process, or the Party using such Action or Diligence, shall, within Forty Days after Demand made in Writing by the Order of any such Society or Committee thereof, or the major Part of them assembled at any Meeting thereof, deliver and pay over all Monies and other Things belonging to such Society to such Person as such Society or Committee shall appoint, and shall pay, out of the Estates, Assets, or Effects, Heritable or Moveable, of such Person, all Sums of Money remaining due which such Person received by virtue of his said Office or Employment, before any other of his Debts are paid or satisfied, or before the Money directed to be levied by such Process as aforesaid, or which may be recovered or recoverable under such Diligence, is paid over to the Party issuing such Process or using such Diligence; and all such Assets, Lands, Goods, Chattels, Property, Estates, and Effects shall be bound to the Payment and Discharge thereof accordingly.

Letters to and from Barristers and Advocate to be free of Postage.

XIII. And be it further enacted, That the Barristers and Advocate appointed under the Provisions of the said recited Act passed in the Tenth Year of the Reign of His late Majesty King *George* the Fourth shall and may receive and send by the General Post, from and to Places within the United Kingdom, all Letters and Packets relating solely and exclusively to the Execution of the said recited Act or this Act, free from the Duty of Postage, provided that such Letters and Packets as shall be sent to either of the said Barristers or Advocate be directed to the "Barrister, or Advocate, appointed to certify the Rules of Friendly Societies," at his Office in *London*, *Edinburgh*, or *Dublin*, as the Case may be, and that all such Letters and Packets as shall be sent by either of the said Barristers or Advocate shall be in Covers, with the Words "Barrister, or Advocate, appointed to certify Rules of Friendly Societies pursuant to Act of Parliament passed in the Tenth Year of the Reign of His late Majesty King *George* the Fourth," printed on the same, and

be signed on the Outside thereof under such Words with the Name of such Barrister or Advocate in his own Handwriting, (such Name to be from Time to Time transmitted to the Secretaries of the General Post Office in *London*, *Edinburgh*, and *Dublin*,) and under such other Regulations and Restrictions as the Lords Commissioners of the Treasury, or any Three or more of them, shall think proper and direct; and the said Barrister or Advocate is hereby strictly forbidden so to subscribe any Letter or Packet whatever except such as he shall himself know to relate solely and exclusively to the Execution of the said last-mentioned recited Act or this Act; and if such Barrister or Advocate shall send, or cause or permit to be sent, under any such Cover, any Letter, Paper, or Writing, or any Inclosure, other than what shall relate to the Execution of the said last-mentioned recited Act or this Act, the Barrister or Advocate so offending shall forfeit and pay the Sum of One hundred Pounds, and be dismissed from his Office; one Moiety of the said Penalty to the Use of His Majesty, His Heirs and Successors, and the other Moiety to the Use of the Person who shall inform or sue for the same, to be sued for and recovered in any of His Majesty's Courts of Record at *Westminster* for Offences committed in *England;* and in any of His Majesty's Courts of Record in *Dublin* for Offences committed in *Ireland*, and before the Sheriff or Stewartry Court of the Shire or Stewartry within which the Party offending shall reside or the Offence shall be committed for Offences committed in *Scotland;* and if any Letter, Paper, or Writing, or other Inclosure, shall be sent under Cover to either of the said Barristers or Advocate, the same not relating solely and exclusively to the Execution of the said last-mentioned recited Act or this Act, he is hereby strictly required and enjoined to transmit the same forthwith to the Secretary of the Post Office in *London*, *Edinburgh*, or *Dublin*, as the Case may be, with the Covers under which the same shall be sent, in order that the Contents thereof may be charged with the full Rates of Postage.

Provisions of former Statutes to continue in force as to Societies established under them until they shall conform to the Provisions of 10 G.4. c. 56. as hereby amended.

XIV. And whereas in and by the said recited Act it was enacted, that provided Societies then already enrolled should not conform to the Provisions of that Act within the Space of Three Years from the passing of such Act the said Societies should then cease to be entitled to the Privileges and Provisions of any or either of certain Acts thereby repealed, but that the Provisions of the said Acts thereby repealed should continue in force as to all Societies established under any or either of them before the passing of the said recited Act for the said Space of Three Years, or until they should sooner conform to the Provisions of that Act: And whereas by a certain Act made and passed in the Second Year of the Reign of His present Majesty the said Space of Three Years was extended until *Michaelmas Day* One thousand eight hundred and thirty-four: And whereas many Friendly Societies existing and enrolled before the passing of the said recited Act have not yet conformed to the Provisions therein contained; and it is expedient further to extend the Time for Enrolment under the recited Act; be it therefore enacted, That the Provisions of the several Acts repealed by the said recited Act shall continue in force as to all Societies established under any or either of them

before the passing of the said recited Act until they shall conform to the Provisions of the said recited Act, as altered and amended by this Act, any thing in the said recited Act, or in the said Act passed in the Second Year of His present Majesty, to the contrary contained in anywise notwithstanding: Provided always, that when a Society already enrolled under any or either of the Acts repealed by the said recited Act shall be desirous of making any Alteration in, Amendment of, or Addition to, the Rules thereof, the said Alteration, Amendment, or Addition shall be made in conformity with the said recited Act as amended by this Act, and such Society shall thenceforth be subject to all the Provisions and entitled to all the Benefits and Privileges in the said recited Act and this Act contained.

If a Society enrolled under Acts repealed by 10 G. 4. c. 56. be desirous of altering their Rules, the same to be done in conformity to that Act.

XV. And be it further enacted, That wherever in the said recited Act or this Act, in describing or referring to any Person, the Word importing the Singular Number or the Masculine Gender only is used, the same shall be understood to include and shall be applied to several Persons or Parties as well as one Person or Party, and Females as well as Males, unless there be something in the Subject or Context repugnant to such Construction.

Construction of Words in the Act.

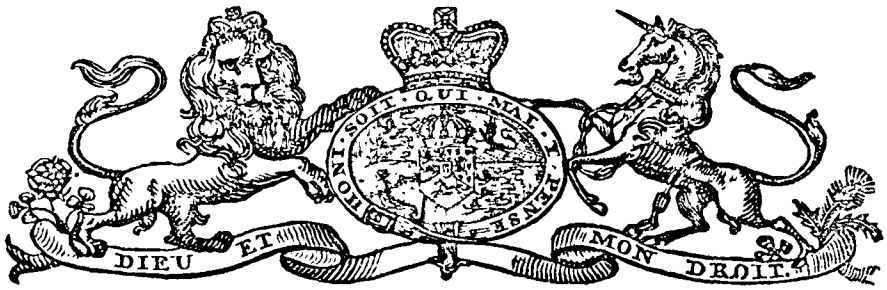
XVI. And be it further enacted, That this Act may be altered, amended, or repealed during the present Session of Parliament.

Act may be amended.

XVII. And be it further enacted, That this Act shall be deemed a Public Act, and shall extend to *Great Britain* and *Ireland* and *Berwick-upon-Tweed*, and be judicially taken notice of as such by all Judges, Justices, and other Persons whatsoever, without the same being specially shown or pleaded.

Public Act.

LONDON: Printed by GEORGE EYRE and ANDREW SPOTTISWOODE, Printers to the King's most Excellent Majesty. 1834.



ANNO QUARTO & QUINTO

GULIELMI IV. REGIS.

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CAP. XLI.

An Act to regulate the Appointment of Ministers to Churches in *Scotland* erected by voluntary Contribution. [30th *July* 1834.]

WHEREAS in many Parishes in *Scotland* the Means of Public Worship provided by the Established Church of *Scotland* are inadequate to the Extent of the Population; and it is expedient to encourage the Erection of additional Places of Worship by voluntary Contribution: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That where any Church, Chapel, or other Place of Worship in *Scotland*, built or acquired and endowed by voluntary Contribution, shall, according to the Provisions of the existing Law, be erected into a Parochial Church, either as an additional Church within a Parish already provided with a Parochial Church, or as the Church of a separate Parish to be erected out of a Part or Parts of any existing Parish or Parishes, whether the same be established and erected merely *quoad spiritualia* by the Authority of the Church Courts of the Established Church of *Scotland*, or also *quoad temporalia* by Authority of the Lords of Council and Session, as Commissioners of Teinds, neither the King's Majesty, nor any private Person, nor any Body Politic or Corporate, having Right to the Patronage of the Parish or Parishes within which such additional Churches shall be established, or out of which such new Parishes shall be erected, shall have any Claim, Right, or Title whatsoever to the Patronage of such newly-established

Ministers to Places of Worship in Scotland built by voluntary Contribution, and erected into Parochial Churches, to be appointed according to the Mode prescribed by the Church Courts.

Churches or newly-erected Parishes; but the Appointment of Ministers thereto shall be made according to the Manner and subject to the Conditions which shall be or have been prescribed by the said Church Courts, subject always to such Alterations as shall be made by them according to the Laws of the Church from Time to Time: Provided always, that nothing in this Act contained shall extend or be construed to extend to depriving His Majesty, or others, Patrons of Parishes in *Scotland*, of their Right to present Ministers to the existing Parochial Churches thereof: Provided always, that neither any Part of the Stipends of Ministers appointed for the Service of any such additional Churches to be erected by voluntary Contribution as aforesaid, nor any Charge for the Support or Repairs of any such Church, School House, or other Building appertaining to the same, nor for the Erection or Support or Repairs of any Manse or Building for the Residence of such Ministers, nor for the Provision of any Glebe for any of such Ministers aforesaid, nor for the Support of any Schoolmaster, shall be imposed on or become chargeable on the Teinds or to the Heritors of any Parish or Magistrates of Towns in which any such Church as aforesaid shall be erected or endowed by voluntary Contribution as aforesaid: Provided also, that nothing herein contained shall be construed to limit or affect the Powers of the Commissioners of Teinds exercised under and according to the Provisions of the Act of the *Scottish* Parliament, Sixth of Queen *Anne*, C. 9, intituled *An Act anent the Plantation of Kirks and Valuation of Teinds.*

Saving the Rights of Patrons.

Proviso for Parishes in which are Churches erected by voluntary Contribution.

Act not to affect Powers of Commissioners of Teinds under 6 Ann. c. 9. (S.)

One Fifth of Sittings to be at Rents fixed by Church Courts.

II. Provided always, and be it enacted, That in every Church or Chapel which may be erected under the Authority of this Act not less than One Fifth Part of the Sittings therein shall be at Rents to be fixed by the said Church Courts.

Act not to extend to Churches built in any Parish by the Patron.

III. Provided always, and be it further enacted, That this Act shall not extend to any Church or Chapel built and endowed in any Parish by the Patron thereof, who shall retain every Right to which he would have been legally entitled had this Act never been passed into Law.

Providing for Churches built by Patron and Heritors only.

IV. And be it enacted, That if in any Parish a Church or Chapel shall be built and endowed at the joint Expence of the Patron thereof and of One or more Heritors therein, and of no other Persons, the legal Rights of the Patron shall take full Effect as aforesaid, unless an Objection shall be transmitted in Writing to the Moderator of the Presbytery of the Bounds, and signed by such a Number of the Heritors as shall have contributed One Fourth Part of the whole Sum laid out or to be expended in the said Building and Endowment, in which Case the said Church or Chapel shall fall within the Provisions of this Act.

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ANNO QUARTO & QUINTO

GULIELMI IV. REGIS.

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CAP. XLII.

An Act to facilitate the taking of Affidavits and Affirmations in the Court of the Vice-Warden of the Stannaries of *Cornwall*.

[30th *July* 1834.]

WHEREAS Suitors and others having Business in the Courts of the Stannaries, held by the Vice-Warden of the said Stannaries, can make Affidavits or Affirmations relating thereto before the Vice-Warden only; and it is expedient, and will be for the Benefit of such Suitors and others, that other Persons as well as the said Vice-Warden have Authority to take such Affidavits or Affirmations: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That any Commissioner of any of the Superior Courts of Common Law at *Westminster*, having by Commission from such Courts or any of them Authority to take Affidavits in Matters relating to such Courts or any of them, may, without Fee or Reward, apply for and have, by Commission from the said Vice-Warden, under the Seal of the Stannaries kept by him, Authority to take Affidavits or Affirmations in all Suits and Matters relating thereto brought into the Court of the said Vice-Warden by way of Appeal from the Courts of the Stewards of the said Stannaries; and that any Master Extraordinary of His Majesty's High Court of Chancery may

Commissioners of Superior Courts of Common Law at Westminster, having Commissions from Vice-Warden of the Stannaries, empowered to

take Affidavits in the Court of the Vice-Warden.

may, without Fee or Reward, apply for and have, by like Commission from the said Vice-Warden, Authority to take Affidavits or Affirmations in all other Suits, Petitions, or Matters to be commenced or being in the Court of the said Vice-Warden; and that all and every Person and Persons wilfully swearing or affirming falsely in any Affidavit to be made before any Person so authorized to take Affidavits or Affirmations as aforesaid shall be deemed guilty of Perjury, and be liable to the Penalties of Perjury, and be therefore prosecuted in any Court of competent Jurisdiction.

Persons swearing falsely before them guilty of Perjury.

Commencement of Act.

II. And be it further enacted, That this Act shall commence and take effect on the First Day of *October* One thousand eight hundred and thirty-four.

Public Act.

III. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others.

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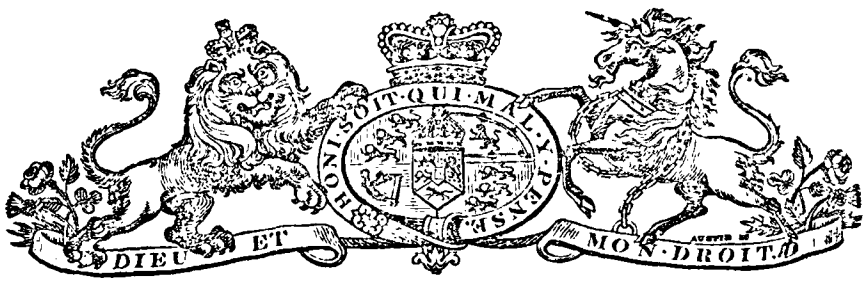

ANNO QUARTO & QUINTO

GULIELMI IV. REGIS.

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poral, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for all Persons who shall after the passing of this Act be duly appointed in such and the same Manner as other Justices of the Peace acting in and for the said County of *Cornwall* are now appointed to act as such Justices of the Peace in and for the said Islands of *Scilly*, and in relation to all Felonies, Misdemeanors, Offences, and Trespasses, and all other Matters and Things happening or arising in the said Islands of *Scilly* in which Justices of the Peace have Jurisdiction or Authority as Justices of the Peace, without being qualified in respect of Property, or taking the Oath required as to such Qualification, and without being subject to any Penalties or Forfeitures or Disabilities in the said Acts or either of them specified; any thing in the said Acts or either of them to the contrary notwithstanding.

Persons duly appointed may act as Justices although not qualified.

II. And be it further enacted, That all Acts, Matters, and Things done by any such Justice acting in and for the said Islands of *Scilly* in relation to any Felonies, Misdemeanors, Offences, and Trespasses, or other Matters and Things happening or arising within the said Islands of *Scilly*, and within the Jurisdiction or Authority of Justices of the Peace, shall be good, valid, and effectual in Law, to all Intents and Purposes, in the said County of *Cornwall*, as if such Justices had been and were duly qualified according to the Provisions of the said recited Acts, and taken the Oath in the said last-recited Act specified, although such Justices shall not be qualified in respect of Property, and shall not have taken the Oath relating thereto; any thing in the said recited Acts or either of them to the contrary notwithstanding.

All Acts done by them to be valid.

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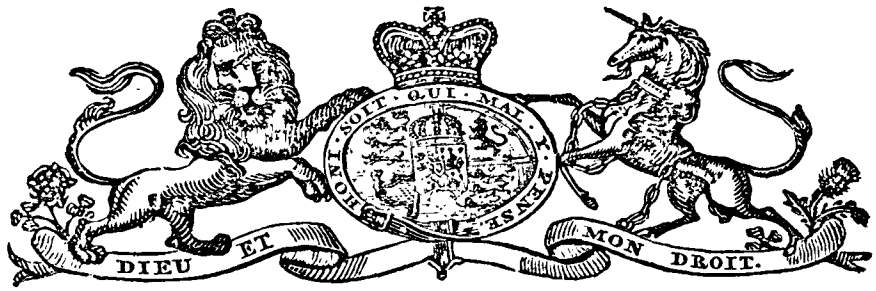

ANNO QUARTO & QUINTO

GULIELMI IV. REGIS.

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of the Two Houses of Parliament of the United Kingdom, and by certain Public Officers therein named, and for reducing the Postage on such Votes, Proceedings, and Newspapers when sent by any other Persons, it was amongst other Things enacted, that the several Persons who by virtue of any Act or Acts passed in the Parliament of *Great Britain* or in the Parliament of *Ireland*, and then in Force, were authorized in respect of their Offices to send Votes, Proceedings in Parliament, and printed Newspapers free from the Duty of Postage, should and might send the same within the United Kingdom in such and the like Manner as they had theretofore been accustomed to do: And whereas it is expedient that the Privilege of franking printed Votes and Proceedings in Parliament and printed Newspapers hitherto enjoyed by the Clerks in the Offices of His Majesty's Principal Secretaries of State, and certain Officers in the Office of His Majesty's Postmaster General, under or by virtue of the said herein-before in part recited Acts or otherwise, should be repealed and annulled, and that other Regulations should be made for the Conveyance of printed Newspapers by the Post: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the First Day of *October* One thousand eight hundred and thirty-four so much and such Parts of the said in part recited Acts passed in the Fourth and Forty-second Years of the Reign of His late Majesty King *George* the Third, and of any other Acts as authorize and empower any Clerks in the Offices of His Majesty's Principal Secretaries of State, and any Officers in the Office of His Majesty's Postmaster General, to send or receive printed Votes and Proceedings in Parliament and printed Newspapers by the Post, free of the Duty of Postage, shall be and the same is and are hereby repealed; and the said Privilege of franking as heretofore enjoyed by the said Officers and Clerks shall be and the same is hereby wholly annulled.

So much of recited Acts as authorizes Clerks in the Offices of the Secretaries of State, and Officers in the Post Office, to frank printed Newspapers, &c. repealed.

II. And whereas by an Act passed in the Sixth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to regulate the Conveyance of printed Votes and Proceedings in Parliament and printed Newspapers by Packet Boats between* Great Britain *and* Ireland *and the* British *Colonies, and also in the United Kingdom*, printed Newspapers were authorized to be sent by Packet Boats from *Great Britain* and *Ireland* to any of His Majesty's Colonies and Possessions beyond the Seas, at a Rate of One Penny Halfpenny each, and Newspapers printed within His Majesty's Colonies and Possessions beyond the Seas were authorized to be sent by Packet Boats to *Great Britain* and *Ireland*, at a Rate of Threepence each: And whereas it is expedient to authorize the Conveyance of printed Newspapers by Packet Boats between the United Kingdom and His Majesty's Colonies free of Postage; be it therefore further enacted, That from and after the First Day of *October* One thousand eight hundred and thirty-four so much of the said in part recited Act passed in the Sixth Year of the Reign of His late Majesty King *George* the Fourth as relates to the Postage and

So much of 6 G. 4. c. 68. as relates to Conveyance of Newspapers by Packet Boats to and from the Colonies repealed.

Conveyance of printed Newspapers by Packet Boats to and from His Majesty's Colonies and Possessions beyond the Seas shall be and the same is hereby repealed.

Newspapers to and from the Colonies.

III. And be it further enacted, That from and after the said First Day of *October* One thousand eight hundred and thirty-four it shall and may be lawful to and for His Majesty's Postmaster General for the Time being, and his Deputy and Deputies in *Great Britain* and *Ireland*, to receive at any General Post Office printed Newspapers liable to the Stamp Duty, and duly stamped for Conveyance by Packet Boat from the United Kingdom to any of His Majesty's Colonies and Possessions beyond the Seas, and to forward and convey the same accordingly free of Postage; and for His Majesty's Postmaster General and his Deputy and Deputies in His Majesty's Colonies and Possessions beyond the Seas to receive Newspapers printed and published within such Colonies or Possessions for Conveyance by Packet Boats to *Great Britain* or *Ireland*, and to deliver the same by the General Post within the United Kingdom free of the Duty of Postage.

Newspapers to and from Foreign Parts.

IV. And be it further enacted, That from and after the said First Day of *October* One thousand eight hundred and thirty-four it shall and may be lawful for His Majesty's Postmaster General for the Time being, and his Deputy and Deputies in *Great Britain* and *Ireland*, to receive at any General Post Office printed Newspapers liable to the Stamp Duty, and duly stamped for Conveyance by Packet Boats from *Great Britain* and *Ireland* to any Port out of the United Kingdom, other than His Majesty's Colonies and Possessions, and to forward the same accordingly free of the Duty of Postage, and that Newspapers printed in any Kingdom or State beyond the Seas, other than His Majesty's Colonies and Possessions, and brought into the United Kingdom by Packet Boats, shall and may (if printed in the Language of the Foreign Kingdom or State from which the same shall be forwarded, but not otherwise), be delivered by the General Post within the United Kingdom free of the Duty of Postage: Provided always, that before any Newspapers to or from any Foreign Port shall be permitted to be conveyed or delivered free of Postage, under the Provisions of this Clause, satisfactory Proof shall have been laid before the Postmaster General for the Time being that printed Newspapers sent from *Great Britain* or *Ireland*, addressed to any Person or Place in any Foreign Kingdom or State, are allowed to pass by the Post within any such Foreign Kingdom or State free of Postage, and also that Newspapers addressed to any Person or Place in *Great Britain* or *Ireland* from any such Foreign Kingdom or State are allowed to pass by the Post within such Foreign Kingdom or State free of Postage; and it is hereby further declared, that as to every Newspaper put into any General Post Office within *Great Britain* or *Ireland* for Conveyance by Packet Boat, addressed to any Person or Place in any Foreign Kingdom or State in which printed Newspapers from *Great Britain* or *Ireland* shall not be allowed to pass by the Post free of Postage, it shall be lawful for His Majesty's Postmaster General for the Time being (until such satisfactory Proof shall be laid

laid before him as aforesaid), and his Deputy and Deputies, for the Use of His Majesty, His Heirs and Successors, to demand, have, receive, and take for the Conveyance of every such printed Newspaper to any Foreign Port the Sum of Two-pence, to be paid when the same shall be put into the Post Office; and as to every Newspaper addressed to *Great Britain* or *Ireland*, and brought into the United Kingdom from any Foreign Kingdom or State in which such printed Newspapers shall not be allowed to pass by the Post free of Postage, it is hereby declared that it shall be lawful for His Majesty's Postmaster General for the Time being (until such Satisfactory Proof shall be laid before him as aforesaid), and his Deputy and Deputies, to and for the Use of His Majesty, His Heirs and Successors, to demand, have, receive, and take for the Conveyance of every such Newspaper by the General Post the Sum of Two-pence on Delivery thereof by such Post to the Person to whom the same shall be addressed, over and above and in addition to any Postage charged thereon by any Foreign Post Office, provided every such Paper be printed and published in the Language of the Kingdom or State from which the same shall be forwarded.

Regulation as to Duty on Conveyance of Newspapers to any Foreign Port.

V. And whereas Circumstances may arise which may render it expedient again to impose and demand the said respective Rates of Two-pence by the said lastly herein-before mentioned Clause granted, after the same shall have ceased to be demanded by reason of such satisfactory Proof having been laid before the Postmaster General for the Time being as aforesaid; now be it further enacted, That it shall be lawful for His Majesty's Postmaster General for the Time being, by and with the Consent of the Lords Commissioners of His Majesty's Treasury, or any Three or more of them, at any Time after such satisfactory Proof shall have been laid before His Majesty's Postmaster General for the Time being as aforesaid, again to impose, demand, and receive the said respective Rates of Two-pence for the Conveyance of any such printed Newspaper to any Foreign Port, and on the Delivery of any such printed Newspaper from any Foreign Kingdom or State, whenever it shall be deemed expedient so to do.

Newspapers to be sent in Covers, open at the Sides, &c.

VI. And be it further enacted, That no Newspaper shall be sent by the Post under the Provisions of this present Act, unless every such Paper be sent without a Cover, or in a Cover open at the Sides, and that there be no Words or Communication printed on such Paper after the same shall have been published, nor any Writing or Marks upon such printed Paper or the Cover thereof, other than the Name and Address of the Person to whom it is sent, and so that there be no Paper or Thing enclosed or concealed in or with such printed Paper or the Cover thereof, nor any printed Words or Communication on the Cover thereof.

Newspapers to be posted within Seven Days after Publication.

VII. And be it further enacted, That every printed Newspaper to be sent out of the United Kingdom under the Provisions of this Act shall in all Cases be put into a Post Office or Receiving Office in *Great Britain* or *Ireland* within Seven Days next after the Day on which the same shall be published, the Day of Publication

tion to be ascertained by the Date of such Paper; and in case any such Paper shall be put into any Post Office at any Time after the Expiration of such Seven Days, it shall and may be lawful for His Majesty's Postmaster General or his Deputy or Deputies, at his or their Discretion, either to detain any such Paper or to forward the same by the Post, charged with the full Duty of Letter Postage according to the Rates now established by Law.

Newspapers addressed to Persons who have removed may be re-directed, and sent to them free of extra Charge.

VIII. And be it further enacted, That in case any Person to whom any printed Newspaper brought into the United Kingdom under the Provisions of this Act shall be directed shall have removed from or quitted the Place to which such Newspaper shall be addressed prior to the Delivery thereof at such Place, any such Newspaper, on arriving or Delivery at the Place of its Address, shall and may (provided the same shall not have been opened or used, but not otherwise) be re-directed, and forwarded by the Post to such Person at any other Place within the United Kingdom, free of any Charge for such extra Conveyance; but if any such Newspaper shall have been opened or used, the same shall, on re-direction, be charged and chargeable with the Rate of a Single Letter, from the Place at which such Newspaper shall be re-directed or re-posted to the Place at which it shall be ultimately delivered.

Postmaster General, with Consent of the Treasury, may contract with Editors, &c. of unstamped Publications for forwarding the same by Post, on Payment of a yearly Sum for each Publication.

IX. And whereas under and by virtue of the said in part recited Acts of the Fourth and Forty-second Years of the Reign of King *George* the Third, and the Privilege thereby conferred, certain unstamped Publications have from Time immemorial been sent by the General Post from *London* to Places within the United Kingdom, at certain small annual Charges, and much Injury and Inconvenience may arise to the Public by the Repeal of such Privilege in regard to the said Publications; be it therefore enacted, That it shall be lawful for His Majesty's Postmaster General for the Time being, and he is hereby authorized and empowered, with the Consent and Approbation of the Lords Commissioners of His Majesty's Treasury, or any Three or more of them, from Time to Time to contract, compound, and agree with the Editor, Proprietor, or Publisher of any such unstamped Publication, as hath hitherto been sent by the Post under the Privilege aforesaid, for forwarding the same by the General Post within the United Kingdom, on Payment to His Majesty's Post Office Revenue yearly of such a Sum of Money for each such Publication as may from Time to Time be agreed on, so as every such Publication be sent without a Cover, or in a Cover open at the Sides, and there be no Words or Communication printed on any such Publication after the same shall have been published, nor any Writing or Marks upon such Publication or the Cover thereof, other than the Name and Address of the Person to whom it is sent, and so that there be no Paper or Thing enclosed or concealed in or with any such Publication or the Cover thereof, nor any printed Words or Communication on the Cover thereof; and the forwarding of such Publications by the Post shall be subject to all such other Regulations as the Postmaster General may deem expedient.

Power to examine and search printed Papers sent in Covers open at the Sides.

X. And be it further enacted, That it shall be lawful for His Majesty's Postmaster General and his Deputy and Deputies, or any of the Officers employed under him or them respectively, to examine and search any printed Paper or Packet which under the Provisions of this present Act shall be sent by the Post without a Cover, or in a Cover open at the Sides as aforesaid, in order to discover whether any Words or Communication have or has been printed on such Paper after the same was published, or whether there is any Writing or Mark upon such printed Paper or the Cover thereof other than the Name and Address of the Person to whom it is sent, or whether there is any Paper or Thing enclosed or concealed in or with such printed Paper or the Cover thereof, or whether there are any printed Words or Communication on the Cover thereof, or whether the Papers brought into the United Kingdom from any Foreign Kingdom or State shall be printed and published in the Language of the Kingdom or State from which they shall have been forwarded; and also, in order to discover whether the Newspapers printed and posted in the United Kingdom shall be duly stamped, and in case any Words or Communication shall be found to have been printed on any such Paper after the same was published, or any Writing or Mark shall be found on any such printed Paper or the Cover thereof other than the Name and Address of the Person to whom it is sent, or any other Paper or Thing shall be found to be enclosed or concealed in or with such printed Paper or the Cover thereof as aforesaid, or any printed Words or Communication shall be found upon the Cover thereof, or in case any Newspaper brought into the United Kingdom from any Foreign Kingdom or State shall not be printed and published in the Language of the Kingdom or State from which the same shall have been forwarded, the whole of every such Packet addressed and delivered to any Person within the United Kingdom shall be charged with Treble the Duty of Letter Postage according to the Rates now established by Law; and as to every such Paper or Packet going out of the United Kingdom it shall be lawful for the Postmaster General or his Deputy or Deputies, at his or their Discretion, either to detain any such Paper or Packet or to forward the same by the Post, charged with the Duty of Letter Postage; and in case any Newspaper printed and posted in the United Kingdom and sent by the Post under the Provisions of this Act shall appear not to have been duly stamped, the same shall be stopped and sent to the Commissioners of Stamps either at *London or Dublin*, as the Case may be.

Papers to be delivered to Postmaster General at such Hours as he shall appoint.

XI. And be it further enacted, That all printed Papers to be conveyed by the Post under the Provisions of this Act shall be delivered to the Postmaster General, or his Deputy or Deputies, at such Hours in the Day and under all such Regulations as the Postmaster General for the Time being shall in his Discretion from Time to Time appoint.

Nothing herein to oblige Persons to send

XII. And be it further enacted, That nothing herein contained shall be construed to oblige any Person or Persons to send any printed Newspapers to or from Places beyond the Seas through

His Majesty's Post Office, but that it shall and may be lawful for all Persons to send such printed Newspapers to and from Places beyond the Seas in any Manner they may find practicable or convenient.

Newspapers through the Post Office.

XIII. And be it further enacted, That in all Cases in which any Dispute, Controversy, or Question shall arise whether any printed Paper sent or offered to be sent by the Post, under the Provisions of this Act or any other Act relating or referring to the Post Office, is to be considered and deemed a Newspaper within the Intent and Meaning of this Act or any other Act relating or referring to the Post Office, or whether any such printed Paper is entitled to the Exemptions and Privileges of a Newspaper so far as to authorize the Transmission of the same by the Post free of Postage, the Question shall be referred to the Judgment and Determination of the Postmaster General for the Time being, whose Decision, with the Concurrence of any Three or more of the Lords Commissioners of His Majesty's Treasury, shall be final and conclusive on all Persons whomsoever.

Postmaster General, with Concurrence of the Treasury, may determine any Dispute or Question as to what shall be deemed a Newspaper.

XIV. And be it further enacted, That the several Rates and Duties herein-before granted shall be paid from Time to Time into the Hands of the Receiver General for the Time being in *England* and *Ireland* of the Revenue of the Post Office, who shall pay the same (the necessary Charges for collecting, paying, and accounting for the same being first deducted) into the Receipt of His Majesty's Exchequer, on such Days and Times and in such Manner as the Rates and Duties of Postage by any Act or Acts in force at or immediately before the passing of this Act are directed to be paid; and the said Duties so to be paid into the said Receipt as aforesaid shall be carried to and made Part of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*.

Rates to be carried to and form Part of the Consolidated Fund.

XV. And be it further enacted, That no Action or Suit shall be commenced against any Person or Persons for any thing done in pursuance of this Act, unless within Three Calendar Months after the Right of Action shall have accrued, and the Defendant or Defendants in such Action or Suit shall and may plead the General Issue, and give this Act and the special Matter in Evidence, and that the same was done in pursuance of and by the Authority of this Act; and if it shall appear so to be done, or the Action or Suit shall be commenced after the Time before limited for bringing the same, then the Jury shall find for the Defendant or Defendants; or if the Plaintiff or Plaintiffs shall be nonsuited, or discontinue his, her, or their Action or Suit after the Defendant or Defendants shall have appeared, or if upon Demurrer, Judgment shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall and may recover Treble Costs, and have the like Remedy for the same as any Defendant or Defendants hath or have in any other Cases by Law.

Actions to be commenced within Three Months after Right of Action accrues.

XVI. And

Act may be altered this Session.

XVI. And be it further enacted, That this Act may be altered, varied, or repealed by any Act or Acts to be passed in this present Session of Parliament.

LONDON: Printed by GEORGE EYRE and ANDREW SPOTTISWOODE, Printers to the King's most Excellent Majesty. 1834.

ANNO QUARTO & QUINTO

GULIELMI IV. REGIS.

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CAP XLV.

An Act to amend an Act of the present Session, for altering and consolidating the Laws for regulating the Pensions and Allowances to Persons in respect of their having held Civil Offices in His Majesty's Service. [13th *August* 1834.]

WHEREAS by an Act passed in this present Session of Parliament, intituled *An Act for altering and amending and consolidating the Laws for regulating the Pensions, Compensations, and Allowances to be made to Persons in respect of their having held Civil Offices in His Majesty's Service*, reciting that the Commissioners of the Treasury did, by a Minute dated the Fourth Day of *August* One thousand eight hundred and twenty-nine, record their Intention to adopt certain Regulations, with a view to reduce prospectively the Charge incurred in providing Superannuation Allowances, it is enacted that from and after the passing of that Act an annual Abatement after certain Rates therein specified shall be made from the Salaries and Emoluments of the several Officers and Persons employed in the several Civil Offices and Departments therein specified, who have since the Date of the said Minute entered or thereafter shall enter the Public Service; and that in Cases of all Persons whomsoever then holding Office and entitled to Superannuation Allowance under that Act, who shall have been appointed to such Office subsequently to the Issue of the said Treasury Minute, and who shall thereafter, upon Promotion, 4 W. 4. c. 24.

 obtain

obtain any Increase of Salary or Allowances in respect of their Offices, an annual Abatement, after the like Rate, shall be made from the Amount of such Increase from Time to Time, commencing from the Period when the same shall take place: And whereas it is expedient that the said Act be altered and amended, so far as the same relates to an Abatement from the Salaries of the Magistrates appointed to the Public Office in *Bow Street* or to the several Police Offices in the Counties of *Middlesex* and *Surrey*; be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That no such Abatement as in the said recited Act is directed shall be made from the Salary of any Person appointed before the passing of this Act to execute the Duties of a Justice of the Peace at the Public Office in *Bow Street* or at any of the Police Offices in the Counties of *Middlesex* and *Surrey*; any thing in the said recited Act to the contrary thereof in anywise notwithstanding.

Excepting Magistrates of Police Offices from the Operation of the recited Act.

LONDON: Printed by GEORGE EYRE and ANDREW SPOTTISWOODE, Printers to the King's most Excellent Majesty. 1834.

ANNO QUARTO & QUINTO

GULIELMI IV. REGIS.

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CAP. XLVI.

An Act to amend an Act passed in the Fifty-eighth Year of King *George* the Third, for establishing Fever Hospitals, and to make other Regulations for Relief of the suffering Poor, and for preventing the Increase of Infectious Fevers, in *Ireland*. [13th *August* 1834.]

WHEREAS an Act was passed in the Fifty-eighth Year of the Reign of His Majesty King *George* the Third, intituled *An Act to establish Fever Hospitals, and to make other Regulations for the Relief of the suffering Poor, and for preventing the Increase of Infectious Fevers, in* Ireland: And whereas by the said recited Act it is amongst other Things provided, that it shall and may be lawful for every Archbishop and Bishop in *Ireland* to grant any Portion of Ground or Land within any County, City, or Town respectively, not exceeding Four Roods, out of the Estates of their respective Sees, to any Body Politic and Corporate created by virtue of the said recited Act, for such Estates and on such Terms as therein mentioned, for the Sites of Houses to be built for the Reception of the helpless Poor intended to be relieved under the Provisions of the said recited Act: And whereas it has been found that the Quantity of Land or Ground which such Archbishops or Bishops are by the said Act so enabled to grant is insufficient for the Purposes of the said recited Act, and it is expedient that the said recited 58 G. 3. c. 47.

recited Act should be amended in that and in other respects: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall and may be lawful for every Archbishop and Bishop in *Ireland* and they are respectively authorized and empowered to grant, out of the Estates of their respective Sees, any Portion of Ground or Land, not exceeding Six Roods, Plantation Measure, to any Body Politic and Corporate, created under the said recited Act, for the Sites of Houses to be built for the Reception of the helpless Poor intended to be relieved under the Provisions of the said recited Act, for such Estate or Estates, either in Fee, for Lives renewable or not renewable, or for Years, as they shall think fit, at such Rent and Fines as such Archbishop or Bishop shall think fit, or without any Rent or Fine, if such Archbishop or Bishop shall think fit; and all such Grants or Leases shall have the same Validity and Effect as any Grants or Leases which such Archbishops or Bishops are authorized and empowered to make under the Provisions of the said recited Act; and it shall be lawful for any such Body Politic or Corporate to purchase, take, hold, and enjoy any Quantity of Ground or Land within any such County, City, or Town, not exceeding Six Roods, Plantation Measure, for the Purposes aforesaid; the Statute of Mortmain or any other Statute or Law to the contrary notwithstanding.

Bishops, &c. may grant Six Roods of Land out of their Sees for Sites of Houses for Reception of Poor.

II. And whereas it is expedient that Tenants for particular Estates should be enabled to demise Lands for the Purposes of the said recited Act; be it therefore enacted, That it shall and may be lawful for any Tenant for Life or Lives, or Tenant in Tail, or Tenant for any determinable Fee of any Lands or Tenements within any County, City, or Town in *Ireland*, and he and they are hereby authorized and empowered, to demise any Portion of such Lands or Tenements, not exceeding Six Roods, Plantation Measure, to any Body Politic and Corporate, created under the Provisions of the said recited Act, to be held by such Body Politic or Corporate for the Purposes in the said recited Act mentioned, either for Life or Lives or Years, or for Lives renewable or not renewable, as they shall think fit, reserving thereout such yearly Rent as shall be agreed upon by and between such Person or Persons and such Corporation respectively: Provided always, that no Fine shall be taken or paid on the making any such Lease or Demise, and that the Rent reserved on such Lease or Demise shall not be less than the full improved yearly Value of such Lands or Tenements at the Time of making the same; and each and every such Lease or Demise shall be good and valid against all Persons claiming or who may hereafter claim such Lands or Hereditaments in Reversion, Expectancy, or Remainder; any other Law or Usage to the contrary notwithstanding.

Tenants of particular Estates may demise Six Roods of Land for same Purpose at full improved yearly Value.

III. And be it further enacted, That no Person who shall become a Subscriber to any such Hospital at any Time after the passing of this Act shall be permitted to vote at the Election of any Surgeon, Physician,

Voting by Subscribers to Fever Hospitals.

Physician, Apothecary, or other Officer or Person to be employed or retained in or about such Fever Hospital, unless he or she shall have respectively been a Subscriber to such Hospital for One Year at least before such Election shall take place.

LONDON: Printed by GEORGE EYRE and ANDREW SPOTTISWOODE,
Printers to the King's most Excellent Majesty. 1834.
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ANNO QUARTO & QUINTO

GULIELMI IV. REGIS.

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CAP. XLVII.

An Act for preventing the Interference of the Spring Assizes with the *April* Quarter Sessions.

[13th *August* 1834.]

WHEREAS by an Act passed in the First Year of the Reign of His present Majesty, intituled *An Act for the more effectual Administration of Justice in* England *and* Wales, 1 W. 4. c. 70. it is directed, that the Justices of the Peace in every County, Riding, or Division for which Quarter Sessions of the Peace ought by Law to be held shall hold their General Quarter Sessions of the Peace (among other Times) in the First Week after the Twenty-eighth Day of *December* and in the First Week after the Thirty-first Day of *March*: And whereas in some Counties of *England* and *Wales* the Time usually fixed for holding the Spring Assizes interferes with the due holding of the last-mentioned Quarter Sessions; and although the Justices of the Peace have Authority to hold General Sessions of the Peace at other Times of the Year besides those specified in the said recited Act, such Sessions are not Quarter Sessions within the Intent of various Acts of Parliament which give Jurisdiction to Justices of the Peace in their Quarter Sessions or in their General Quarter Sessions; and for the Purpose of preventing the Inconvenience arising from such Interference as aforesaid it is expedient to allow to the Justices of the Peace a Discretion as to the Time of holding their General Quarter Sessions, which they are now required to hold in the Week next after the Thirty-first Day of *March*: Be it therefore

declared and enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That in every County, Riding, or Division for which General Quarter Sessions ought to be held it shall be lawful for the Justices assembled in their General Quarter Sessions in the Week next after the Twenty-eighth Day of *December* in every Year to name (if they shall see Occasion so to do) Two Justices of the Peace who shall be empowered, as soon as may be after the Time for holding the Spring Assizes shall be appointed, to fix the Day for holding the next General Quarter Sessions of the Peace for such County, Riding, or Division, so as such Time shall not be earlier than the Seventh Day of *March* nor later than the Twenty-second Day of *April*, and to give Notice of the Day so fixed by Advertisement in such Newspapers as shall be directed by the Justices so assembled; and in every such Case the General Quarter Sessions held on the Day so fixed and notified shall be valid, and it shall not be necessary to hold any Sessions of the Peace for such County, Riding, or Division in the Week next after the Thirty-first Day of *March*, any thing in the said recited Act to the contrary notwithstanding: Provided always, that in every County, Riding, and Division where no other Day shall be fixed in the Manner herein-before mentioned, the Justices of the Peace shall hold their General Quarter Sessions of the Peace in the Week next after the Thirty-first Day of *March*, as by the said recited Act they are required.

Justices at Epiphany Sessions may name Two of their Body to fix the Day for holding the next General Quarter Sessions.

Proviso.

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ANNO QUARTO & QUINTO

GULIELMI IV. REGIS.

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C A P. XLVIII.

An Act to regulate the Expenditure of County Rates and Funds in aid thereof.

[13th *August* 1834.]

WHEREAS by divers Statutes now in force the Justices of the Peace in that Part of *Great Britain* called *England*, within the respective Limits of their Commissions assembled at their General or Quarter Sessions, or at any Adjournment or Adjournments thereof, are authorized and empowered to make and assess the County Rate, and also to make Orders for the Application or Management of the County Stock or Rate, and of any Fund or Funds used or applied in aid thereof: And whereas Doubts have arisen whether, under the Powers and Directions of the said Statutes, it is requisite that the Business relating to the Assessment, Application, or Management of the said County Stock or Rate, and of the Funds in aid thereof, should be carried on and transacted by the said Justices so assembled as aforesaid publicly and in open Court at such General or Quarter Sessions, or any Adjournment thereof; and a Practice hath in some Counties prevailed of transacting such Business in private, which hath been found inexpedient: And for the Removal of such Doubts, preventing of such Practice for the future, be it declared and enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present

All Business relating to the Assessment and Application of County Rate shall be transacted in open Court.

Parliament assembled, and by the Authority of the same, That from and after the passing of this Act all Business appertaining to the Assessment, Application, or Management of the County Stock or Rate, or of any Fund or Funds used or applied in aid thereof or contributory thereto, or to any Matter or Things whereby or in respect whereof the said County Stock or Rate is or may be chargeable by Law, which by any Statute or Statutes now in force the Justices of the Peace for that Part of *Great Britain* called *England* are authorized and directed to do and transact at the General or Quarter Sessions, or at any Adjournment thereof, shall be done and transacted publicly and in open Court at such General or Quarter Sessions, or Adjournment thereof, and not otherwise; and that no Order of such Justices relating to the Matters aforesaid shall be binding or effectual unless the said Order shall have been made and the Business relating thereto shall have been done and transacted publicly and in open Court as aforesaid.

Notice thereof to be given.

II. And be it enacted, That public Notice shall be given, in Two Newspapers generally circulating in the County, of the Time of holding the General or Quarter Sessions, or any Adjournment thereof, at least Two Weeks before the Time of holding the same, and also of the Day and Hour at which the Business relating to the Assessment, Application, or Management of the County Stock or Rate will commence at such Sessions.

Act to extend to Counties in England and Wales only.

III. And be it enacted, That this Act shall extend and apply only to Justices of the Peace of the several Counties at large in *England* and *Wales* and of the several Counties of Cities and Counties of Towns within the same.

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ANNO QUARTO & QUINTO

GULIELMI IV. REGIS.

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CAP. XLIX.

An Act to amend and render more effectual Two Acts of the Fifth and Sixth Years of the Reign of His late Majesty King *George* the Fourth, relating to Weights and Measures.

[13th *August* 1834.]

WHEREAS an Act passed in the Fifth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for ascertaining and establishing Uniformity of Weights and Measures*: And whereas another Act passed in the Sixth Year of the Reign of His said late Majesty, intituled *An Act to prolong the Time of the Commencement of an Act of the last Session of Parliament, for ascertaining and establishing Uniformity of Weights and Measures; and to amend the said Act*: And whereas, notwithstanding the Provisions of the said recited Acts, many Sets of Weights and Measures of old accustomed and different Shapes have been made and verified and stamped by the Chamberlains as well as by the Auditor in the Exchequer, as Models of the said new Standards, and have been used as Standard Weights and Measures under the said recited Acts, although different in Shape and Form from the Standards prescribed by the said recited Act of the Fifth Year aforesaid; and it is therefore expedient that such Standard Weights and Measures should be made legal, and that the Auditor or Comptroller General, or some other superintending Officer of the Exchequer, should be empowered to

5 G. 4. c. 74.

6 G. 4. c. 12.

compare and verify, and stamp as so compared and verified, Standards of Length, Weight, or Measure, although not exact Models and Copies in Shape and Form of the respective Standards of Length, Weight, and Measure deposited under the Provisions of the said first-recited Acts in the Office of the said Chamberlains and Auditor: And whereas it is expedient that after a limited Period the Use of all Weights and Measures, not in conformity with the Weights and Measures established by the said recited Acts, should be prohibited, and that the Use of the Heaped Measure should be abolished: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That so much of the said recited Acts as require that all Weights and Measures shall be Models and Copies in Shape or Form of the Standards deposited in the Exchequer, and also so much of the said recited Acts as allow the Use of Weights and Measures not in conformity with the Imperial Standard Weights and Measures established by the said Acts, or allow Goods or Merchandize to be bought or sold by any Weights or Measures established by local Custom or founded on special Agreement, shall be and the same are hereby repealed.

Provisions in recited Acts as to Models and Copies of Standard Weights and Measures repealed.

II. And be it enacted, That all Weights and Measures which have been so verified and stamped at the Exchequer as Copies of the Standard Weights and Measures, corresponding in Weight and Capacity with those established by the said recited Acts, shall be deemed and taken to be legal Weights and Measures, and may be legally used for Comparison as Copies of the Imperial Standard Weights and Measures, although not similar in Shape to those required under the Provisions of the said recited Acts.

Weights and Measures stamped at the Exchequer declared legal, although not similar in Shape to those required by recited Acts.

III. And be it enacted, That the Auditor or Comptroller General, or some other Superintending Officer of the Exchequer at *Westminster*, may compare and verify, and stamp as so compared and verified, as correct Standard Measures of a Yard, and as correct Standard Weights, and as correct Standard Measures of Capacity, any Weights and Measures which shall correspond in Length, Weight, and Capacity with the Standards, or Parts or Multiples thereof respectively, deposited in the Exchequer under the said Act of the Fifth Year aforesaid, although such Weights and Measures may not be Models or Copies in Shape or Form of the Standards so deposited as aforesaid; any thing in the said recited Acts to the contrary notwithstanding.

Superintending Officer of Exchequer may verify and stamp Weights and Measures of other Form than those prescribed by the Act 5 G. 4. c. 74.

IV. And whereas the Heaped Measure is liable to considerable Variation, and the Use of Weights made of soft Materials affords Facilities to Fraud; be it therefore enacted, That from and after the First Day of *January* One thousand eight hundred and thirty-five so much of the said recited Acts as relate to the Heaped Measure shall be and are hereby repealed, and that the Use of the Heaped Measure shall be abolished, and that all Bargains, Sales, and Contracts made by the Heaped Measure after the said First Day of *January* One thousand eight hundred and thirty-five shall be null and void;

Heaped Measure abolished after 1st Jan. 1835.

and thereafter no Weight made of Lead or of Pewter shall be stamped or used.

Copies of the Imperial Standards to be provided, by Order of Magistrates in Quarter Sessions for Counties in England and Wales, and by Meetings of Justices in Scotland.

V. And be it enacted, for carrying more fully into effect the Provisions of the said recited Acts regarding the providing of Copies of the Imperial Standard Weights and Measures, That at the General Quarter Sessions of the Peace next after the passing of this Act the Magistrates of every County or County of a City in *England* and *Wales* in Quarter Sessions assembled, and in *Scotland* the Justices of the Peace at a Meeting to be called for the Purpose by the Sheriff of each County, and the Magistrates of each Royal Burgh, within Three Months after the passing of this Act, shall respectively determine the Number of Copies of the Imperial Standard Weights and Measures which they shall deem requisite for the Comparison of all Weights and Measures in use within their Counties, Counties of Cities, and Burghs respectively, and shall direct that such Copies, verified and stamped at the Exchequer, shall be provided for the Use of the same, and shall be deposited at certain central and convenient Places, to be fixed upon by the said Magistrates so assembled, under the Care of an Inspector or Inspectors of Weights and Measures, to be by the said Magistrates appointed and dismissed as Occasion may require.

Copies to be provided by Grand Juries in Ireland.

VI. And be it enacted, That in *Ireland* the Grand Jury of every County, County of a City, or County of a Town shall, at the Spring Assizes next ensuing after the passing of this Act, determine the Number of Copies of the Imperial Standard Weights and Measures which they shall deem requisite for the Comparison of all Weights and Measures in use within their Counties, Counties of Cities, or Counties of Towns respectively, and, where Copies shall not have been already provided, shall direct that such Copies, verified and stamped at the Exchequer, shall be procured for the Use of the same, and such Copies shall be deposited at certain central and convenient Places, to be fixed upon by the said Grand Juries so assembled, under the Care of an Inspector or Inspectors of Weights and Measures, to be by the said Grand Juries appointed and dismissed as Occasion may require; and the Expences attending the providing such Copies of the Imperial Standard Weights and Measures, and for affording the necessary Remuneration to the Inspectors, shall be provided for and paid by Presentments to be made by the Grand Juries on such Counties, Counties of Cities, and Counties of Towns respectively.

Judges may order Copies in Counties in Ireland when it has not been done by Grand Juries.

VII. And be it enacted, That in *Ireland* the senior Judge shall, before the Close of the Spring Assizes aforesaid, inquire whether One complete Set of such Copies of the Imperial Standard Weights and Measures has been provided or ordered in each County, County of a City or Town; and in every Case in which it shall not appear to him that One Set at least of such Copies has been provided or ordered, such Judge shall forthwith order the Treasurer of the County, County of a City or Town, to provide One complete Set of such Copies, and every such Order shall have the Effect of a Presentment on the County at large for such Sum as may be necessary to procure a com-

a complete Set of such Copies; and such Treasurer shall, within Three Calendar Months next after he shall receive such Order, fully execute the same, or failing so to do shall forfeit the Sum of Fifty Pounds Sterling.

Power of providing additional Copies when requisite.

VIII. And be it enacted, That in case the Number of Copies of the Imperial Standard Weights and Measures provided as aforesaid for Comparison in any County, County of a City, or Royal Burgh, or County of a Town, in the United Kingdom, shall be found insufficient, or that any of them shall have been lost or injured, it shall be lawful in *England* and *Wales* and in *Scotland* for the Magistrates so assembled as aforesaid, between the First and Twenty-fifth Day of *October* in each Year, and in *Ireland* for the Grand Juries at the Spring Assizes in each Year, to direct that new or additional Copies shall be provided for the Use of their respective Counties, Counties of Cities, Royal Burghs, and Counties of Towns, and to determine the Places in which such Copies shall be kept, and to appoint an additional Inspector or Inspectors for the Care of such Copies as Occasion may require, and that all Expences incurred thereby shall be provided for and paid according to the Modes herein-before set forth.

Return to be made by Clerks of the Peace on 1st of March 1836.

IX. And be it enacted, That the Clerk of the Peace of every County of the United Kingdom shall, on the First Day of *March* One thousand eight hundred and thirty-six, transmit a Return to the Secretary of State for the Home Department, which Return shall be forthwith laid before Parliament, specifying the Dates and Terms of all Determinations of Magistrates of Counties, or of Counties of Cities, or of Counties of Towns, or of Magistrates of Royal Burghs, as to the Number of Copies of the Imperial Standard Weights and Measures which they shall have deemed requisite for their Counties, Counties of Cities, or Counties of Towns, and Burghs respectively, as also of all such Determinations made by any Grand Jury, or of Orders made by any Judge of Assize, in *Ireland*, and which Return shall specially set forth how far such Determinations and Orders have before the Date of such Returns been complied with by the Weights and Measures so ordered having been provided in the several Instances set forth in such Determinations or Orders; and any Clerk of the Peace who shall neglect to make such Return shall be liable to a Penalty of Fifty Pounds.

Power to Magistrates of Towns, &c. to provide Copies of the Imperial Standards.

X. Provided always, and be it enacted, That in all other Cities or Towns, Liberties or Places, possessing corporate or other legal Jurisdiction, and which have been or shall be hereafter supplied with Copies of the Imperial Standard Weights and Measures, it shall be lawful for the Magistrates of such Cities, Towns, Liberties, or Places to appoint an Inspector or Inspectors of Weights and Measures within the Limits of their respective Jurisdictions; and that such Inspectors so appointed shall, within such Limits, have the same Powers and discharge the same Duties as the Inspectors of Weights and Measures appointed under this Act by the County Magistrates or Grand Juries for their respective Counties.

XI. And

XI. And be it enacted, That in every City or Town not being a County of itself, every Individual or Individuals or Body Corporate in *Ireland*, exercising the Privilege of appointing a Weighmaster, shall, on or before the First of *July* One thousand eight hundred and thirty-five, or within Three Months after the Set of Copies of the Imperial Standard Weights and Measures for the County in which such Right shall be exercised shall have been provided, supply such Weighmaster with accurate Beams and Scales, and with a Set of accurate Copies in respect of Weight, Capacity, and Length, of the County Set, under a Penalty of Twenty Pounds; and the Accuracy of such Set of Copies shall be certified under the Hand of some Inspector of Weights and Measures; and such Set of Copies shall, for the Purpose of Comparison and Verification, be considered Copies of the Imperial Standard Weights and Measures required by this Act, and shall be used for no other Purpose whatever, under a Penalty of Five Pounds; and once at least in every Five Years, under the like Penalty, the same shall be re-adjusted by some Set of Copies of the Standard Weights and Measures which shall have been verified by the Exchequer Standard; and the Weighmaster shall produce to every Magistrate requiring the same, and to any Person whose Weights or Measures shall have been detained on Comparison with the Copies under the Care of such Weighmaster, the Certificate of the Adjustment or Re-adjustment thereof, under the Hand of the Inspector in Charge of the Set of Copies with which the same shall have been compared and re-adjusted; and such Weighmaster may demand and receive the same Fees as may be demanded by any Inspector under this Act.

Weighmasters in Ireland to be supplied with Beams and Scales and accurate Copies.

XII. And whereas by local Customs in the Markets, Towns, and other Places throughout the United Kingdom, the Denomination of the Stone Weight varies, being in the Country generally deemed to contain Fourteen Pounds Avoirdupois, and in *London* commonly Eight of such Pounds, or otherwise, as may be; be it therefore enacted, That from and after the First of *January* One thousand eight hundred and thirty-five the Weight denominated a Stone shall in all Cases consist of Fourteen Standard Pounds Avoirdupois, and that the Weight denominated an Hundred Weight shall consist of Eight such Stones, and that the Weight denominated a Ton shall consist of Twenty such Hundred Weight; and all Contracts made by any other Stone, Hundred Weight, or Ton, from and after the First Day of *January* One thousand eight hundred and thirty-five, shall be null and void.

The Stone Weight, Hundred Weight, and Ton.

XIII. And be it enacted, That from and after the First Day of *January* One thousand eight hundred and thirty-five all Articles sold by Weight shall be sold by Avoirdupois Weight, excepting Gold, Silver, Platina, Diamonds, or other precious Stones, and Drugs when sold by Retail; and that such excepted Articles, and none others, may be sold by Troy Weight.

All Articles to be sold by Avoirdupois, except as herein stated.

XIV. And whereas the Bushel Measure commonly called or known by the Name of the *Winchester* Bushel, and also the Lineal Measure commonly called the *Scotch* Ell, and other customary or local Measures,

All Weights and Measures to be stamped by Inspectors;

sures, still continue to be used in divers Places in the United Kingdom, contrary to the Provisions of the said recited Acts; be it therefore enacted, That in *England* and *Wales* the Magistrates at Quarter Sessions assembled, and in *Scotland* the Justices of the Peace at a Meeting called by the Sheriff, and in *Ireland* the Grand Jury of each County and County of a City or Town, shall procure for the Use of the Inspectors good and sufficient Stamps for the stamping or sealing all Weights and Measures used or to be used in such County, which Stamp, so procured, shall be taken to be the Stamp for such County, and none others shall be considered legal Stamps; and that all Weights and Measures whatsoever used for buying and selling, or for the collecting of any Tolls or Duties, or for the making of any Charges on the Conveyance of any Goods or Merchandize, shall be examined and compared with one of the Copies of the Imperial Standard Weights and Measures provided under the Authority of this Act for the Purpose of Comparison by such Inspectors appointed as aforesaid, who shall stamp, in such Manner as best to prevent Fraud, such Weights and Measures when so examined and compared as aforesaid, if found to correspond with the said Copy, the Fees for which Examination, Comparison, and Stamping shall be according to the Scale contained in the Schedule to this Act annexed; and all Persons who, after the First of *January* One thousand eight hundred and thirty-five, in *England* and *Wales* and in *Scotland*, or after the First of *July* One thousand eight hundred and thirty-five in *Ireland*, shall make any Weights or Measures other than those authorized by this Act, or shall sell, expose to sale, or use any Weights or Measures which have not been so stamped as aforesaid, or which shall be found light or otherwise unjust, shall on Conviction forfeit a Sum not exceeding Five Pounds; and that any Contract, Bargain, or Sale made by any such Weights or Measures shall be wholly null and void, and that all such light or unjust Weights and Measures so used shall be seized, forfeited, and condemned.

Penalty for making any other Measures or Weights, or using any unstamped, light, or defective Weights and Measures.

XV. And be it enacted, That in *Scotland*, from and after the First Day of *January* One thousand eight hundred and thirty-five, the Fiar Prices of all Grain in every County shall be struck by the Imperial Quarter, and all other Returns of the Prices of Grain shall be set forth by the same, without any Reference to any other Measure whatsoever; and that any Sheriff Clerk, Clerk of a Market, or other Person who shall offend against this Provision shall forfeit a Sum not exceeding Five Pounds or less than Twenty Shillings.

Regulation as to Fiar Prices of Commodities in Scotland.

XVI. And be it enacted, That every Person appointed an Inspector of Weights and Measures as aforesaid shall forthwith enter into a legal Security to the King, to be sued for in any Court of Record, in the Sum of One hundred Pounds, for the due and punctual Performance of the Duties of his Office, and for the Safety of the Copies committed to his Charge, and for their due Restoration immediately on his Removal or other Cessation from Office; and every such Inspector shall, on receiving due Notice, attend to examine, compare, and stamp, if so required and found correct, such Weights and Measures as shall be produced to him; and he shall keep a Book, wherein he shall

Inspectors to enter into Recognizance.

shall enter Minutes of all such Comparisons, and give a Certificate under his Hand of every such Stamping or Verification, if required so to do.

Power to Magistrates to inspect Weights and Measures.

XVII. And be it enacted, That it shall be lawful for any Two or more Magistrates of any County, or of any City or Town being a County within itself, or for any Sheriff or Magistrates of any Burgh or Town Corporate in *Scotland*, within their respective Districts, to enter any Shop, Store, Warehouse, Stall, Yard, or Place whatsoever, wherein Goods shall be exposed or kept for Sale, or shall be weighed for Conveyance or Carriage, and there to examine all Weights and Measures, Beams and Scales, or other Weighing Machines, and to compare and try the same with the Copies of the Imperial Standard Weights and Measures required or authorized to be provided under this Act, and to cause the same to be taken possession of and detained until they shall have been examined by the nearest Inspector; and if upon such Examination it shall appear that the said Weights or Measures, Beams and Scales, or other Weighing Machines, are light or otherwise unjust, the same shall be forfeited and destroyed, and the Person or Persons in whose Possession the same were found shall be liable in a Penalty of any Sum not exceeding Five Pounds: Provided always, that any Person who shall neglect or refuse to produce for the Inspection of such Magistrates, when thereto required, all Weights and Measures, Beams, Scales, or other Weighing Machines which shall be in his Possession, or shall otherwise obstruct or hinder such Magistrates, shall be liable to a like Penalty, and also that no such pecuniary Penalty shall be incurred if he, she, or they shall prove to the Satisfaction of such Magistrates that such Weights and Measures, Beams and Scales, or other Weighing Machines produced or found in his Possession, have not been in use since the passing of this Act.

Penalty for counterfeiting Stamps on Weights and Measures.

XVIII. And be it enacted, That if any Person or Persons shall make, forge, or counterfeit, or cause or procure to be made, forged, or counterfeited, or knowingly act or assist in the making, forging, and counterfeiting, any Stamp or Mark now used or which may hereafter from Time to Time be used for the stamping or marking of any Weights or Measures, to denote that any such Weight or Measure has been compared, adjusted, and approved to be of the due Weight or Measure required by Law, shall for every such Offence forfeit a Sum not exceeding Fifty Pounds or less than Ten Pounds; and if any Person shall knowingly sell, utter, dispose of, or expose to sale any Weight or Measure with such forged or counterfeit Stamp or Mark thereon, every Person so offending shall for every such Offence forfeit and pay a Sum not exceeding Ten Pounds or less than Forty Shillings, to be recovered in a summary Way as herein-after provided; and that all Weights and Measures with such forged or counterfeited Marks shall be seized, forfeited, and condemned.

Copies of the Standard Weights and Measures, which shall

XIX. And be it enacted, That all Copies of the Imperial Standard Weights and Measures which may have been worn by Time, and mended in consequence of any Wear or Accident, shall forthwith be sent

have been worn and mended, to be sent to the Exchequer to be re-verified.

sent to the Exchequer for the Purpose of being again compared and verified, and shall be stamped as mended Copies of the Imperial Standard Weights and Measures; provided such Weights and Measures have been so mended that the Auditor, Comptroller General, or other superintending Officer appointed for such Verification shall deem them fit to be used for the Purposes of Standards; and every new Comparison and Verification shall be indorsed upon the original Indenture of Verification, and such Weights and Measures shall be so stamped upon Payment of Fees of Verification only.

Officer at Exchequer to keep a Register of Copies verified.

XX. And be it enacted, That there shall be kept by the Auditor, Comptroller General, or other Superintending Officer at the Exchequer, an Account or Register of all Copies of the Imperial Standard Weights and Measures, or the Parts or Multiples thereof, that shall have been verified at the Exchequer at *Westminster*.

As to Penalties in England and Ireland.

XXI. And be it enacted, That in *England* and *Wales* and in *Ireland* all Penalties and Forfeitures which shall be incurred under any of the Provisions of the said recited Act of the Fifth Year aforesaid, or this Act, shall be paid to the Treasurer of such County; and in case such Conviction shall take place on Information, then One Half to the Informer or to the Person who may sue for the same, and the Remainder to the Treasurer of the County or County of a City in which they shall be respectively recovered, and be applied to and make Part of the County Rate, or of such other Funds as shall be liable, under the Provisions of this Act, to the Cost of providing and maintaining Copies of the Imperial Standard Weights and Measures; any thing in the said recited Act of the Fifth Year aforesaid to the contrary notwithstanding.

Form of Conviction.

XXII. And be it enacted, That in all Counties in *England* and *Wales* and in *Ireland* all Penalties under this Act shall be sued for and recovered before Two or more Justices of the Peace at Petty Sessions, or before the Mayor or other Chief Magistrate of any City, Borough, Town, or Place within whose Jurisdiction the Offence shall have been committed, and that the Conviction may be drawn up according to the following Form, or in Words to the like Effect:

'BE it remembered, That on the Day of
'in the Year of our Lord *A.B.* is convicted
'before me [*or* us] One [*or* Two] of His Majesty's Justices of the
'Peace for the [*here specify the Offence, and the Time and Place when*
'*and where committed, as the Case may be*], contrary to an Act passed
'in the Year of the Reign of King [*as the Case*
'*may be*]; and I do adjudge that the said *A.B.* hath forfeited for
'said Offence the Sum of [*here insert the Penalty*]. Given
'under my Hand and Seal [*or* our Hands and Seals] the Day
'and Year first above written.'

Appeal to next General Quarter Sessions of the Peace.

XXIII. And be it enacted, That any Person convicted of any Penalty under this Act in *England* and *Wales* or in *Ireland* may appeal to the next General Quarter Sessions of the Peace for the County, or City or Town being a County within itself, against such

Conviction,

Conviction, on giving Security in Double the Amount of such Penalty within Forty-eight Hours after the Conviction shall have been made; and the Decision thereupon made shall be final.

As to Penalties in Scotland.

XXIV. And be it enacted, That in *Scotland* all Penalties incurred under the Provisions of this Act, or of any of the before-recited Acts, shall be recoverable, with Expences, either before the Sheriff of the County or the Magistrates of the Burgh or Town Corporate wherein the same may be incurred or where the Offender may reside, or before Two or more Justices of the Peace of such County, at the Instance either of the Procurator Fiscal of Court, or any Person who may prosecute for the same; and in the former Case the whole Penalties, after deducting all Charges, shall be applied in aid of the Funds liable, under the Provisions of this Act, to the Cost of providing and maintaining Copies of the Imperial Standard Weights and Measures in the Place where such Penalties shall be awarded; and where the Prosecution shall be at the Instance of a private Party, one Half of such Penalties shall go in aid of the aforesaid Funds, and the other Half to the Party who may prosecute for the same; and it is hereby provided, that it shall be competent for the said Courts respectively to proceed in a summary Way, and to grant Warrant for bringing the Parties complained of before them, and upon Proof on Oath by One or more credible Witnesses, or on the Confession of the Offender, or on other legal Evidence, forthwith to give Judgment on such Complaint, without any written Pleadings or Record of Evidence, and to grant Warrant for the Recovery of such Penalties and Expences discerned for, failing Payment within Fourteen Days after Conviction, by Poinding, or by Imprisonment for a Period, at the Discretion of the Court, not exceeding Sixty Days, it being hereby provided that a Record should be preserved of the Charge and of the Judgment pronounced.

Appeal in Scotland to Commissioners of Justiciary at Circuit Court.

XXV. And be it enacted, That in *Scotland* if any Person or Persons shall feel themselves aggrieved by the Sentence of any Sheriff or Magistrates of Burghs or Towns Corporate, or Justices of the Peace, pronounced in any Case arising under this Act, it shall be lawful for such Person or Persons to appeal to the Commissioners of Justiciary at the next Circuit Court, or, where there is no Circuit Court, to the High Court of Justiciary at *Edinburgh*, in the Manner and under the Rules, Limitations, and Conditions contained in an Act passed in the Twentieth Year of the Reign of His Majesty King *George* the Second, intituled *An Act for taking away and abolishing Heritable Jurisdictions in* Scotland, with this Variation only, that such Person or Persons so appealing shall, in place of finding Caution in the Terms prescribed by the said Act, be bound to find Caution to pay the Penalty or Penalties and Expences awarded against him or them by the Sentence or Sentences appealed from, in the event of the Appeal or Appeals being dismissed, together with any additional Expences which shall be awarded by the Court in dismissing the said Appeal; and it shall not be competent to appeal from or to bring the Judgment of any Sheriff or Justices of the Peace acting under this Act under Review by Advocation, Suspension, or Reduction, or in any other Way other than as herein provided.

20 G. 2. c. 43.

4 Anne (I.) and 5 Geo. 4. c. 110. repealed, except so far as relate to Duties, &c. of Weighmasters.

XXVI. And be it further enacted, That an Act passed in the Parliament of *Ireland* in the Fourth Year of Queen *Anne*, intituled *An Act for regulating Weights used in this Kingdom, and that Salt and Meal shall be sold by Weight*, and another Act passed in the Parliament of the United Kingdom of *Great Britain* and *Ireland* in the Fifth Year of His late Majesty King *George* the Fourth, intituled *An Act for the Indemnity of Magistrates using unlawful Weights in* Ireland, shall be and they are hereby repealed, except in so far as they relate to the Appointment, Duties, and Remuneration of Weighmasters.

Powers of Ward Inquests, &c. not to be interfered with.

XXVII. Provided always, and be it further enacted, That nothing in this Act contained shall interfere with the Powers of the Ward Inquests in respect to Weights and Measures within the City of *London* and Liberties thereof and the Borough of *Southwark*, nor prohibit, defeat, injure, or lessen the Right of the Mayor and Commonalty and Citizens of the City of *London*, or of the Lord Mayor of the said City for the Time being, with respect to the stamping or sealing Weights and Measures, or concerning the Office of Gauger of Wines, Oils, Honey, and other gaugeable Liquors imported and landed within the City of *London* and Liberties thereof.

Rights of Founders Company reserved.

XXVIII. Provided always, and be it enacted, That nothing in this Act contained shall extend to prohibit, defeat, injure, or lessen the Rights granted by Charter to the Master, Wardens, and Commonalty of the Mystery of Founders of the City of *London*.

In Actions, Magistrates may plead the General Issue.

XXIX. And be it enacted, That in all Actions brought against any Magistrate for any thing he shall do under this Act it shall be lawful for such Magistrate to plead the General Issue, and to give the special Matter in Evidence; and if a Verdict shall be given for the Defendant therein he shall have Double Costs.

Act may be amended, &c. this Session.

XXX. And be it enacted, That this Act may be amended, altered, or repealed by any Act or Acts to be passed in this Session of Parliament.

SCHE-

SCHEDULE OF FEES

To be taken by all INSPECTORS of WEIGHTS and MEASURES (except those appointed for the Cities of LONDON and WESTMINSTER, or under the Authority of the Founders Company), and by all WEIGHMASTERS in IRELAND.

For examining, comparing, and stamping all Brass Weights, within their respective Jurisdictions:

	s.	d.
For each Half Hundred Weight	1	6
For each Quarter of a Hundred Weight	0	9
For each Stone	0	6
For each Weight under a Stone	0	1½

For examining, comparing, and stamping all Iron Weights, or Weights of other Descriptions not made of Brass, within their respective Jurisdictions:

	s.	d.
Each Half Hundred Weight	0	6
Each Quarter of a Hundred Weight	0	3
For each Stone, and all Weights under a Stone	0	2

For examining, comparing, and stamping all Wooden Measures, within their respective Jurisdictions:

	s.	d.
Each Bushel	0	6
Each Half Bushel	0	3
Each Peck, and all under	0	2
Each Yard	0	6

For examining, comparing, and stamping all Measures of Capacity of Liquids, made of Copper or other Metal, within their respective Jurisdictions:

	s.	d.
Each Five Gallon	1	8
Each Four Gallon	1	4
Each Three Gallon	1	0
Each Two Gallon	0	8
Each Gallon	0	4
Each Half Gallon	0	2
Each Quart	0	1
Each Pint, and under	0	0½

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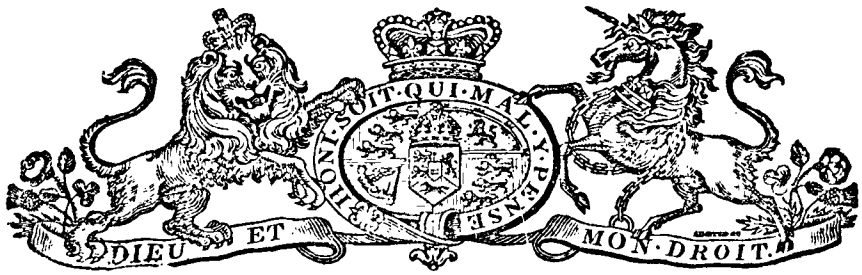

ANNO QUARTO & QUINTO

GULIELMI IV. REGIS.

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drive it or them to the Pound nearest to the Place where it or they may be found trespassing contrary to the Provisions of this Act, there to remain until the Owner shall appear and demand his or her Property, Notice of which to the Person impounding the Pound-keeper is hereby authorized and required to give; and such Justice is hereby authorized and required summarily to hear and determine such Complaint, upon the Appearance of the Party summoned, or in his or her Absence if Proof shall be given that such Summons has been personally served upon him or her or left at his or her usual Place of Abode; and in case of the Proof of such Offence by the Oath of a credible Witness, or the Confession of the Party charged, such Justice is hereby authorized and required to convict such Offender in a Penalty not exceeding One Shilling, without Costs, to be levied by Distress and Sale of the Goods and Chattels of such Owner, or by the Sale of such Horse, Ass, Pig, Cow, or other Beast, such Distress or Sale to be made by Warrant under the Hand and Seal of such Justice, rendering the Overplus, if any, after deducting the said Penalty, and Expences of such Distress and Sale, to the Owner or Owners, on Demand: Provided always, that nothing herein contained shall be construed to repeal any Provision made by any Act or Acts now in force in *Ireland* for the Prevention of Trespass, or for the Infliction of any Penalty or the Recovery of any Damages in the Case of Trespass, or Forfeiture or other Disposition of any Animal found trespassing or Damage feasant.

Justice to hear and summarily to determine the Complaint.

LONDON: Printed by GEORGE EYRE and ANDREW SPOTTISWOODE, Printers to the King's most Excellent Majesty. 1834.

ANNO QUARTO & QUINTO

GULIELMI IV. REGIS.

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CAP. LI.

An Act to amend the Laws relating to the Collection and Management of the Revenue of Excise. [13th *August* 1834.]

WHEREAS an Act was passed in the Seventh and Eighth Years of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to consolidate and amend the Laws relating to the Collection and Management of the Revenue of Excise throughout* Great Britain *and* Ireland, which said Act requires to be amended: Be it therefore declared and enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all the Powers and Authorities by the said recited Act vested in, and all Orders, Matters, and Things thereby directed to be given or done by, the Commissioners and Assistant Commissioners of Excise in *Scotland* and *Ireland* respectively, are and shall be vested in, given, and done by the Commissioners of Excise appointed or to be appointed under the said recited Act.

7 & 8 G. 4. c. 53.

All Acts required to be done by the Commissioners and Assistant Commissioners in Scotland and Ireland to be done by the General Commissioners.

II. And be it further enacted, That any Three or more of the Commissioners of Excise shall constitute a Board of Commissioners of

Three Commissioners to constitute a Board.

of Excise, and shall have full Power and Authority to act as a Board of Commissioners, and to order and direct and do and to permit to be done throughout the United Kingdom, or in any Part thereof, all Acts, Matters, and Things relating to the Revenue of Excise, as fully and effectually as if ordered, directed, and done, or permitted to be done, by a Board of Four of the said Commissioners of Excise, as required by the said recited Act.

Commissioners and Officers of Excise not to be required to take Parish Apprentices.

III. And be it further enacted, That no Commissioner of Excise or Officer of Excise, or Person employed in the Collection or Management of, or recovering or accounting for, comptrolling or auditing the Revenue of Excise, or any Part thereof, shall, during the Time of his acting as such Commissioner or Officer, or being so employed as aforesaid, be compelled to receive any Parish Apprentice, or to take any Child as an Apprentice or Servant, nor be subject to any Penalty for refusing to execute any Indenture for binding to him any Person as an Apprentice or Servant, any Law or Statute to the contrary notwithstanding.

7 & 8 G. 4. c. 53. s. 18. repealed.

IV. And be it further enacted, That so much of the said recited Act as enacts, "that all and every Person or Persons required to make Entry of any Building, Place, Vessel, or Utensil under this Act, or any other Act or Acts relating to the Revenue of Excise, shall deliver such Entry, with his or their Signature thereto, to the Officer of Excise in whose Survey such Building, Place, Vessel, or Utensil shall be intended to be used; and such Officer shall copy such Entry into the Book kept and known by the Name of the General Entry Book, for the Division or Ride in which such Building, Place, Vessel, or Utensil shall be intended to be used; and the Supervisor of the District shall examine and compare the Copy so made in such Book as aforesaid with the original Entry; and such Officer, upon his being removed from such Division or Ride, shall deliver over to the Officer succeeding him in such Station such Book and all such original Entries," shall be and the same is hereby repealed.

In what Manner Entries of Premises are to be made.

V. And be it further enacted, That every Person carrying on any Trade or Business under or subject to any Law or Laws of Excise, and required by any Act or Acts relating to the Revenue of Excise to make Entry at the next Office of Excise, or to give Notice to the Officers of Excise, of any House, Building, Place, Vessel, or Utensil used in carrying on such Trade or Business, shall make such Entry by delivering such true and particular Account as by the Act or Acts relating to such Trade or Business is required to the Officer of Excise in whose Survey such House, Building, Place, Vessel, or Utensil shall be intended to be used; and such Officer, having received such Entry, shall copy the same into the Book kept and known by the Name of the General Entry Book, for the Division or Ride in which such House, Building, Room, or Place, Vessel or Utensil, shall be intended to be used; and the Supervisor of the District shall examine and compare the Copy so made in such Book as aforesaid with the original Entry; and such Officer, on his being removed from such

Division or Ride, shall deliver over to the Officer succeeding him in such Station such Book and all such original Entries.

Penalty for using any Premises or Utensils without having made Entry thereof.

VI. And be it further enacted, That every Person carrying on any Trade or Business under or subject to any Law or Laws of Excise, who shall make use of any House, Building, or Place, Vessel or Utensil, of which Entry is required to be made or Notice given by any Act or Acts relating to the Revenue of Excise, without having made Entry thereof in manner herein-before directed, shall for every such unentered House, Building, or Place, Vessel or Utensil, forfeit Two hundred Pounds.

Penalty for using Premises or Utensils for any other Purpose than that for which entered.

VII. And be it further enacted, That every Person carrying on any Trade or Business under or subject to any Law or Laws of Excise, who, having made Entry of any House, Building, or Place, Vessel or Utensil, or other Thing, shall in the carrying on such Trade or Business fraudulently make use of any such House, Building, or Place, Vessel or Utensil, or other Thing, for any other or different Purpose than the particular Use or Purpose for which the same shall have been entered, shall forfeit One hundred Pounds.

Not more than One Entry to be in force for the same Premises.

VIII. And be it further enacted, That when any Person or Persons shall have made Entry of any Building, Room, Place, Vessel, or Utensil for the carrying on any Trade or Business in respect of which any Entry is by any Act or Acts of Parliament relating to the Revenue of Excise required, it shall not be lawful during the Continuance of such Entry for any other Person or Persons (except Persons becoming Partners in the same Trade or Business in respect of which the Entry shall already have been made) to make Entry of the same Building, Room, or Place, Vessel or Utensil, for the carrying on of any other Trade or Business of the same or any other Description subject to the Survey of Excise; but every such subsequent Entry made whilst such former Entry is in force shall be null and void to all Intents and Purposes.

If Trader absconds or quits entered Premises without withdrawing the Entry, any other Person may, with Consent, make Entry of the Premises.

IX. Provided always, and be it further enacted, That where any Person who shall have made Entry of any Premises for carrying on any Trade or Business subject to the Survey of the Excise shall abscond or shall quit Possession of such Premises, and discontinue the Trade or Business in respect of which such Entry was made, without having withdrawn such Entry, it shall be lawful for any other Person, with the Consent and Approbation of the Commissioners of Excise, to make Entry of the said Premises for carrying on any Trade or Business subject to the Survey of the Excise, and in such Case the former Entry shall be deemed to have been withdrawn, and shall become null and void.

7 & 8 G. 4. c. 53. s. 25. repealed.

X. And be it further enacted, That so much of the said recited Act as enacts, "that every Person carrying on any Trade or Business under or subject to any Law or Laws of Excise shall pay and clear off the Duty or Duties in that Behalf imposed by any Act or Acts of Parliament respectively in such Case made and provided,

vided, and charged upon or incurred by such Person, at such Time and Place and to such Person respectively as shall for that Purpose be specially directed in any Act or Acts of Parliament relating to such Duties respectively, or as shall be from Time to Time directed by the Commissioners of Excise; and if any such Person shall not pay and clear off such Duty or Duties at such Time and Place and to such Person respectively as aforesaid, or upon Demand made thereof (under Order of the Commissioners of Excise, or of the Commissioner or Commissioners and Assistant Commissioners of Excise in *Scotland* and *Ireland* respectively,) by the Collector of Excise in whose Collection such Trade or Business shall be carried on, or by any Officer authorized and directed by such Collector, under such Order as aforesaid, to make such Demand, (whether such Demand be made personally of any Person who shall have incurred such Duty or Duties, or shall be left at the Dwelling House of any such Person, or on the Premises where such Duty or Duties shall have been charged or incurred,) every such Person shall forfeit and lose Double the Value of the Duty or Duties so neglected to be paid and cleared off as aforesaid," shall be and the same is hereby repealed.

Excise Traders shall pay their Duties at such Time and Place and to such Person as shall be appointed, or upon Demand made by Order of the Commissioners, on pain of forfeiting Double Duty.

XI. And be it further enacted, That every Person carrying on any Trade or Business under or subject to any Law or Laws of Excise shall pay and clear off the Duty or Duties in that Behalf imposed by any Act or Acts of Parliament respectively, and charged upon or incurred by such Person, at such Time and Place and to such Person respectively as shall for that Purpose be specially directed by any Act or Acts of Parliament relating to such Duties, or as shall be from Time to Time directed by the Commissioners of Excise, whether Payment of such Duties shall have been or shall be secured by Bond or otherwise, in pursuance of any Act or Acts of Parliament, or not; and if any such Person shall not pay and clear off such Duty or Duties at such Time and Place and to such Person respectively as aforesaid, or upon Demand made, under Order of the Commissioners of Excise, by any General Surveyor of Excise where the Trade or Business shall be carried on within the Limits of the Chief Office of Excise, or elsewhere by the Collector of Excise in whose Collection such Trade or Business shall be carried on, or the Officer of Excise in charge for the Time being of such Collection, or by any Officer of Excise authorized and directed by such Collector or Officer in charge to make such Demand, whether such Demand shall be made personally of such Person, or shall be left at his Dwelling House, or at the Premises where such Duty or Duties shall have been charged, every such Person shall forfeit and lose Double the Value of the Duty or Duties so neglected to be paid and cleared off as aforesaid.

Goods fraudulently produced to obtain Drawback forfeited, with Treble Value or 100*l.*

XII. And be it further enacted, That all Goods which shall be removed or deposited or concealed, or which shall be produced to any Officer of Excise or Customs, with Intent fraudulently to obtain any Drawback or Allowance granted by any Act or Acts relating to the Revenues of Excise or Customs, shall, with the Casks, Vessels, Cases,

Cases, or other Packages containing the same, be forfeited; and every Person who shall remove or deposit or conceal, or shall produce to any Officer of Excise or Customs, any Goods, with Intent fraudulently to obtain any Drawback or Allowance granted by any Act relating to the Revenues of Excise or Customs, shall forfeit Treble the Value of such Goods or One hundred Pounds, at the Election of the Commissioners of Excise or Customs, or the Person who shall inform or sue for the same.

Goods condemned for being adulterated or mixed with any prohibited Ingredients to be destroyed.

XIII. And be it further enacted, That all Goods and Commodities which shall be seized and condemned for or by reason of the same being adulterated or mixed with any unlawful or prohibited Ingredients shall, after the Condemnation thereof, be burned or otherwise effectually destroyed, and shall not be exposed to sale; and it shall be lawful in every such Case for the Commissioners of Excise, under the Directions of the Lord High Treasurer or Commissioners of the Treasury, to distribute to and amongst the Officers who shall have seized such Goods or Commodities a Sum of Money equal to the Value of the said Goods or Commodities, or such greater or lesser Reward as by the said Lord High Treasurer or Commissioners of the Treasury shall be deemed expedient.

Power to reward Officers detecting private Manufactories.

XIV. And be it further enacted, That where any Person shall be arrested and detained by any Officer or Officers of Excise for being found in any private or unentered Place, knowingly aiding or in anywise concerned in the manufacturing of any Goods or Commodities for or in respect of which any Duties of Excise are or shall be imposed, and such Person shall be convicted in the Penalty of Thirty Pounds or Sixty Pounds imposed for such Offence, but shall not pay the same, it shall be lawful for the Commissioners of Excise, with the Consent and Approbation of the Commissioners of His Majesty's Treasury, if they shall see fit, to cause a Reward not exceeding a Moiety of the Penalty so imposed to be paid to the Officer or Officers by whom and at whose Instance such Person shall have been arrested and detained and convicted; and in case any Officer or Officers of Excise shall seize any such Goods or Commodities, or any Materials for the Manufacture thereof, in any private or unentered Place, but shall not at the same Time arrest or detain any such Person, or if any Person arrested or detained shall not be convicted, it shall be lawful for the said Commissioners of Excise, with the Consent and Approbation aforesaid, if they shall see fit, to cause a Reward not exceeding Five Pounds to be paid to such Officer or Officers.

7 & 8 G. 4. c. 53. s. 36. repealed.

XV. And be it further enacted, That so much of the said recited Act as enacts, "that if upon Notice given or Request made by any Officer of Excise to any Constable, Headborough, or other ministerial Officer of the Peace, to go with him as such Officer of Excise, and to be present at the doing or performing of any Act or Thing at which the Presence of a Constable, Headborough, or Officer of the Peace is or shall be required by this Act or any other Act or Acts of Parliament relating to the Revenue of Excise, such Constable, Head-

borough, or Officer of the Peace shall not go with such Officer of Excise, or shall not be present at the doing or performing of any such Act or Thing, or shall refuse or neglect so to do or to be present as aforesaid, every such Constable, Headborough, or Officer of the Peace so offending shall for every such Offence forfeit and lose the Sum of Twenty Pounds," shall be and the same is hereby repealed.

Constable or Peace Officer not assisting Officer of Excise when required, to forfeit 20*l.*

XVI. And be it further enacted, That if upon Notice given or Request made by any Officer of Excise to any Constable, Headborough, or other ministerial Officer of the Peace, to go with him as such Officer of Excise, and to aid and assist him as such Officer of Excise in the due Execution of any Act or Thing required or enjoined by any Act or Acts relating to the Revenues of Excise or Customs to be done or prevented from being done, or which it shall be lawful for any Officer of Excise to do or to prevent from being done, such Constable, Headborough, or Officer of the Peace shall not go with such Officer of Excise, or shall not aid or assist him as aforesaid to the utmost of his Power, such Constable, Headborough, or other Officer of the Peace so offending shall forfeit Twenty Pounds.

Where a Defendant arrested under an Attachment shall refuse to enter an Appearance, he may be served with a Copy of the Information and a Rule to plead, and in default of appearing and pleading, Judgment to be entered up against him.

XVII. And be it further enacted, That where any Defendant shall be arrested and imprisoned under any Writ of Attachment issued out of His Majesty's Court of Exchequer at *Westminster*, *Edinburgh*, or *Dublin*, for not entering an Appearance to any Proceedings commenced against him for the Recovery of any Duties of Excise, or of any Penalty incurred under any Act relating to the Revenue of Excise, and such Defendant shall neglect or refuse to enter or cause to be entered an Appearance on his Behalf by the Time when a Rule to plead might, according to the Course and Practice of the Court, have been given if such Defendant had caused an Appearance to be entered in proper Time, it shall be lawful for the Solicitor of Excise, on behalf of the Attorney General, to cause a Copy of the Information, and also a Rule to plead, to be served on such Defendant by the same being delivered to the Gaoler, Keeper, or Turnkey of the Prison in which such Defendant shall be confined, together with a Notice setting forth, that unless such Defendant shall appear and plead on or before the Expiration of the Rule to plead, which it shall be lawful for him to do without being required to take a Copy of such Information, Judgment by Default will be entered against him; and in case such Defendant shall neglect to appear and plead at the Expiration of the said Rule it shall be further lawful for the Solicitor of Excise, on behalf of the Attorney General, to cause an Appearance to be entered for such Defendant, and to enter up Judgment against him as for Want of Plea, and thereupon to issue Process of Execution and proceed to charge such Defendant in Execution.

7 & 8 G. 4. c. 53. s. 66. repealed.

XVIII. And be it further enacted, That so much of the said recited Act as enacts, "that every such Information as aforesaid shall be exhibited before the Commissioners of Excise, or Justice or Justices

of the Peace respectively, within Four Calendar Months next after the Offence or Offences alleged in such Information shall have been committed, or the Goods, Commodities, or Chattels therein alleged to have been forfeited shall have been seized; and a Notice in Writing of such Information having been so exhibited shall be given to the Person or Persons against whom the same shall have been exhibited for the Penalty or Penalties incurred for such Offence or Offences, or to the Person or Persons who shall claim the Goods, Commodities, or Chattels in such Information alleged to have been forfeited, within One Week next after such Information shall have been exhibited; and the Commissioners of Excise, or Justice or Justices of the Peace, before whom any such Information shall have been exhibited as aforesaid, are hereby respectively authorized and required to summon every Person against whom any Information shall have been exhibited, or who shall claim any Goods, Commodities, or Chattels as aforesaid, to appear and plead to and attend the Hearing of such Information at a Time and Place to be stated in such Summons, which Summons shall be served upon every such Person or Persons Fourteen Days at the least before the Time appointed in such Summons: Provided always, that where such Information shall be exhibited as aforesaid for the Recovery of Double the Value of any Duty or Duties neglected to be paid or cleared off as by this Act before directed, it shall be sufficient if such Summons as aforesaid be served within Twenty-four Hours at the least before the Time appointed in such Summons: And provided also, that in all such Cases it shall be deemed and taken to be sufficient Service of any such Notice or Summons as aforesaid if the same be left at or upon the Place used or occupied by any such Person or Persons respectively for carrying on Trade or Business, or at the Building or Place where any such Offence shall have been committed or such Seizure made, or at the Place of Residence, or with the Wife or Child or menial Servant of any such Person or Persons, the same being directed to such Person or Persons by the right or assumed Name or Names of such Person or Persons," shall be and the same is hereby repealed.

Information to be exhibited before Commissioners of Excise or Justices within Four Months after Offence committed or Seizure made, and Parties to be summoned.

XIX. And be it further enacted, That every Information for the Recovery of any Penalty, or for the Condemnation of any Seizure, shall be exhibited before the Commissioners of Excise, or Justice or Justices of the Peace respectively, within Four Calendar Months next after the Offence or Offences alleged in such Information shall have been committed, or the Goods, Commodities, Chattels, or Things therein alleged to have been forfeited shall have been seized; and a Notice in Writing of such Information having been so exhibited shall be given to the Person against whom the same shall have been exhibited within One Week next after the exhibiting of such Information; and the Commissioners of Excise, or Justice or Justices of the Peace, before whom any such Information shall be exhibited, are hereby respectively authorized and required to summon every Person against whom any such Information shall have been exhibited to appear and plead to and to attend the Hearing of such Information at a Time and Place to be named in such Summons, which Summons shall be served upon every

every such Person or Persons Ten Days at the least before the Time appointed in such Summons, and which Summons may be added to or may include such Notice as aforesaid, or may be separate and apart therefrom, and be served at another and different Time, subsequent to the Delivery of such Notice, at the Option of the Prosecutor: Provided always, that where such Information shall be exhibited for the Recovery of Double the Value of any Duty or Duties neglected to be paid or cleared off, it shall be sufficient if such Summons be served Twelve Hours at the least before the Time appointed in such Summons: And provided also, that in all Cases it shall be deemed and taken to be sufficient Delivery and Service of any such Notice and Summons as aforesaid if a Copy of the same be left at or upon the Place used or occupied by any such Person or Persons respectively for carrying on his or their Trade or Business, or at the Building or Place where any such Offence shall have been committed or such Seizure made, or at the Place of Residence, or with the Wife or Child or Servant of any such Person or Persons, the same being directed to such Person or Persons by the right or assumed Name or Names of such Person or Persons; or where any such Offence shall have been committed or discovered in Transit, or any Seizure made in Transit, and the Place of Business or Residence of the Offender shall be unknown to the Person discovering such Offence or making such Seizure, it shall be sufficient if such Notice and Summons, or a Copy thereof, be affixed at or upon such conspicuous Part of the Office of Excise next to where such Offence shall have been committed or discovered, or Seizure made, directed to such Offender or Offenders by his or their right or assumed Name or Names, if the same shall be known to the Prosecutor, and if not known, without any Name or Names.

Commissioners of Excise and Justices not authorized to mitigate the Penalty of Double Duty for Nonpayment of Excise Duties.

XX. And whereas Doubts have been entertained whether, under the Provision of the said recited Act authorizing the Mitigation of Penalties to One Fourth, the Justices of the Peace respectively, before whom any Information may be exhibited for the Recovery of Double the Value of any Duty or Duties of Excise neglected to be paid or cleared off, have not Power to mitigate the Penalty of such Double Value; for determining of which Doubts be it further enacted, That nothing in the said recited Act, or in any other Act or Acts relating to the Revenue of Excise, shall be construed to authorize or empower any Justices of the Peace, on the hearing and determining of any Information for the Recovery of Double the Value of any Duty or Duties of Excise neglected to be paid or cleared off, to mitigate the said Penalty of the Double Value of such Duties, but the said Justices shall in all Cases convict the Defendant or Defendants in the full Penalty of Double the Value of the Duties which shall be proved to have been neglected to be paid and cleared off, and shall give Judgment accordingly; and no Justice of the Peace before whom any Person having been arrested and detained under any Act or Acts relating to the Revenue of Excise, and liable to the Payment of any Penalty, and in default of the immediate Payment thereof to be committed to Prison for a limited Period, shall have any Power or Authority to mitigate such Penalty, except where a special Power for the Mitigation

Mitigation of such Penalty shall be given; any thing in the said recited Act, or any other Act or Acts relating to the Revenue of Excise, notwithstanding.

Expences of Prosecution before Commissioners of Excise or Justices of the Peace may be ordered to be paid out of the Revenue.

XXI. And be it further enacted, That in any Prosecution for Recovery of any Penalty incurred, or for the Condemnation of any Goods or Chattels seized as forfeited, under any Act of Parliament relating to the Revenue of Excise, and carried on before the Commissioners of Assize or any Justices of the Peace, the Commissioners of Excise may order the Expences of such Prosecution to be paid out of the Revenue of Excise, and a Sum of Money to be paid to the Officers concerned in such Prosecution, or the Persons through whose Information the Offence shall have been discovered or the Seizure made, in the same Manner as they are authorized to do in Prosecutions carried on in the Court of Exchequer.

In case of the Death, Removal, or Absence of any Officer of Excise in whose Name any Information may have been exhibited, the Proceedings may be carried on by any other Officer.

XXII. And be it further enacted, That where in any Case any Information for the Recovery of any Penalty incurred, or the Condemnation of any Goods, Commodities, Articles, or Things forfeited, under any Law or Laws relating to the Revenue of Excise, shall by Order of the Commissioners of Excise be exhibited before the Commissioners of Excise, or before any Justice or Justices of the Peace, and the Officer of Excise by whom or in whose Name such Information shall be or shall have been exhibited shall die, or be removed or discharged, or at the Time of Hearing may be absent, such Information shall not, by such Death, Removal, or Discharge, or by the Absence of such Officer, abate or be diminished, but all the Proceedings on such Information shall be continued and may be proceeded on by any other Officer of Excise in the Name of the Officer by whom the same shall have been exhibited; and the said Commissioners of Excise and the Justices shall, on the Day named and appointed in the Summons to be issued in that Behalf, proceed to hear and determine the Matter of such Information, and shall examine all such Witnesses as shall be tendered to them for Examination by any Officer of Excise in support of such Information, notwithstanding such Death, Removal, or Discharge, or the Absence of the Officer of Excise by whom or in whose Name such Information shall be or shall have been exhibited; and all the Proceedings on such Information, and all Proceedings for Recovery of any Penalty awarded thereon, or for the Arrest and Imprisonment of any Defendant for Nonpayment of such Penalty, or for Condemnation of any Goods, Commodities, Articles, or Things, shall be good, valid, and effectual.

If there shall not be 20 Days between giving Notice of Appeal and the next Quarter Sessions, the Appeal shall be to the following Sessions.

XXIII. And be it further enacted, That if there shall not be Twenty Days between the Time of any Judgment being given by any Justices of the Peace on any Information exhibited to them and the next General Quarter Sessions of the Peace, and the Party against whom such Judgment shall be given shall appeal against the same, then such Appeal may be to the Quarter Sessions next after the Expiration of Twenty Days from the giving of such Judgment; and any Notice of Appeal shall be given by any Officer of Excise who shall attend

and conduct the Proceedings on the Part of the Revenue of Excise, notwithstanding such Officer may not be the Officer named in the Information as informing or exhibiting the same; and it shall be lawful for any Court of Quarter Sessions before whom any Appeal shall be brought to adjourn the Hearing thereof to the next Quarter Sessions, then to hear and finally to determine the same.

Witnesses tendered for Examination at the original Hearing before Commissioners of Excise or Justices, may be examined on hearing the Appeal.

XXIV. And whereas by the said recited Act Commissioners of Appeal and Justices at the Quarter Sessions shall not at the Hearing of any Appeal examine any Evidence or Witness or Witnesses other than or different from the Evidence and the Witness or Witnesses which and who shall have been before examined before the Commissioners of Excise or Justices of the Peace respectively at the Trial and Hearing of the Information upon which the original Judgment appealed against shall have been given; and great Inconvenience has been experienced by Justices deciding on alleged Defects in Informations, and dismissing the same without any Examination of Witnesses, whereby the Remedy of Appeal hath been lost; be it further enacted, That where the Commissioners of Excise or Justices of the Peace respectively before whom any Information shall be exhibited shall dismiss such Information without Examination of Witnesses, or shall refuse to examine any Witness produced on the Hearing of any Information, the several Witnesses refused to be examined shall be tendered to the said Commissioners or Justices respectively for Examination on the Part of the Informer or Defendant, as the Case may be, and the said Commissioners or Justices respectively shall, on ascertaining the Witnesses so tendered for Examination to be present, cause their Names to be taken down in Writing, and shall transmit the same with the Information and Judgment to the Commissioners of Appeal or Quarter Sessions respectively; and the several Witnesses so tendered for Examination, and whose Names shall be so transmitted, shall on the Hearing of the Appeal be examined in the Case, although not examined before the Commissioners or Justices on the original Hearing and Judgment.

Persons liable to arrest under the Laws of Excise, not being detained at the Time, may be afterwards arrested.

XXV. And be it further enacted, That if any Person liable to be arrested and detained under any Act or Acts relating to the Revenue of Excise shall not be detained at the Time when he shall be discovered committing the Offence for which he is so liable, or after Detention shall make his Escape, any Officer of Excise may stop, arrest, and detain such Person at any Time afterwards, and carry him before any Justice or Justices of the Peace, to be dealt with as if detained at the Time of committing the Offence.

7 & 8 G. 4. c. 53. s. 120. repealed.

XXVI. And be it further enacted, That so much of the said recited Act as enacts, "that it shall be lawful for the Commissioners of Excise, or any Three or more of them, within the Limits of the Chief Office of Excise, and for any Two or more of the Justices of the Peace in any other Part of the United Kingdom within whose Jurisdiction respectively any Person or Persons chargeable with any Duty of Excise shall have been charged therewith, upon Complaint

to them respectively made by any such Person or Persons of any Over-charge in that Behalf made by any Officer of Excise, within Twelve Calendar Months next after the making of such Charge, and such Commissioners and Justices are hereby respectively authorized and required, to hear, adjudge, and determine such Complaint, and to examine the Witness or Witnesses upon Oath who shall be thereupon produced, as well on the Behalf of the Person or Persons making such Complaint as on the Behalf of His Majesty and of all Parties therein concerned, and shall thereupon, by Warrant under their Hands, discharge or acquit such Person or Persons of so much of such Charge as shall be made out and proved before such Commissioners of Excise or Justices of the Peace respectively to have been over-charged; and if such Person or Persons shall, before such Acquittal, have paid any Money upon or in respect of such Over-charge, it shall be lawful for the Commissioners of Excise, or the Commissioner or Commissioners and Assistant Commissioners of Excise in *Scotland* and *Ireland* respectively, and they are hereby respectively required, upon such Acquittal as aforesaid, to repay to such Person or Persons, out of the Public Monies in their Hands, or at their Discretion to allow out of the next Duties becoming payable by such Person or Persons, so much Money as shall have been so paid as aforesaid, any thing in this Act or in any other Act or Acts to the contrary thereof in anywise notwithstanding: Provided always, that no such Complaint shall be heard before the said Commissioners of Excise unless the same shall be entered by or on behalf of the Complainant in a Book to be kept for that Purpose in the Office of the Solicitor of Excise, for the summary Jurisdiction at the Chief Office of Excise, stating the Particulars thereof, and the Name and Place of Residence of every such Complainant; and upon every such Complaint being so entered, a Notice shall be given by the said Commissioners of the Time and Place by them appointed for the Hearing of such Complaint; and if such Complainant shall not appear at the Time and Place appointed for the Hearing of any such Complaint, it shall be lawful for the said Commissioners, or any Three or more of them, to dismiss such Complaint, upon Proof of Notice of the Time and Place appointed for the Hearing of such Complaint having been given to such Complainant, or left at the Place mentioned in such Complaint Book as aforesaid to be the Place of the Residence of such Complainant; and that no such Complaint shall be heard before any Justices of the Peace unless a Notice in Writing of the Time and Place of hearing thereof, (which Notice shall contain and set forth the Ground and Substance of such Complaint) shall be given to the Collector of Excise in whose Collection, or to the Supervisor of Excise in whose District, such Over-charge shall have been made, within Eight Days at the least before the Time appointed for the Hearing of such Complaint: And provided always, that the Payment of any Duty with which any such Complainant as aforesaid shall have been charged, or any Proceedings for the Recovery of such Duty, shall not be delayed or suspended by reason of the making of any such Complaint, or of the same being depending," shall be and the same is hereby repealed.

XXVII. And

Complaints of Over-charges and Over-payments.

XXVII. And be it further enacted, That it shall be lawful for the Commissioners of Excise, or any Three or more of them, within the Limits of the Chief Office of Excise, and for any Two or more Justices of the Peace in any other Part of the United Kingdom, within whose Jurisdiction respectively any Person chargeable with or liable to the Payment of any Duty of Excise shall have been charged with or paid such Duty, upon Complaint to them respectively made by any Person or Persons of any Over-charge made by any Officer of Excise, or of any Over-payment made by any such Person, within Twelve Calendar Months next after the making of such Over-charge or Over-payment, and also in any Case in which by any Act of Parliament relating to the Revenue of Excise any Persons shall be entitled to any Return of any Duty of Excise paid by or on behalf of such Person, upon the like Complaint by such Person within the Time in that Behalf respectively limited by Law for exhibiting such Complaint, and such Commissioners and Justices are hereby respectively authorized and required, in every such Case to hear, adjudge, and determine such Complaints, and to examine the Witness or Witnesses upon Oath who shall be thereupon produced, as well on behalf of the Person making Complaint as on behalf of His Majesty and of all Parties therein concerned, and shall thereupon, by Warrant under their Hands, discharge or acquit the Complainant of so much of such Over-charge or Over-payment as shall be made out and proved before such Commissioners of Excise or Justices of the Peace respectively to have been over-charged, or over-paid, or wrongly paid, or shall order such Amount of Duty as the Party shall appear to be entitled to have returned to him to be returned and paid; and if any Person in whose Favour any such Judgment shall be given shall before Acquittal of any Over-charge have paid any Money for or in respect of such Over-charge, and in case of any Over-payment, or Order to return any Duty of Excise, to a Return of which the Party may be entitled, the Commissioners of Excise shall and they are hereby required, upon such Acquittal or Order as aforesaid, to repay to such Person or Persons out of the Public Monies in their Hands, or at their Discretion to allow out of the next Duties becoming payable by such Person or Persons, so much Money as shall be specified in such Judgment or Order as over-charged, over-paid, or wrongly paid, or to be returned, any thing in any Act or Acts to the contrary notwithstanding: Provided always, that no such Complaint shall be heard before the said Commissioners of Excise unless the same shall be entered by or on behalf of the Complainants in a Book to be kept for that Purpose in the Office of the Solicitor of Excise, at the Chief Office of Excise, stating the Particulars thereof, and the Name and Place of Residence or Place of Business of such Complainant; and upon every such Complaint being so entered, not less than Six Days Notice shall be given by the Commissioners of Excise of the Time and Place by them appointed for the Hearing of such Complaint; and if such Complainant shall not appear at the Time and Place appointed for the Hearing of any such Complaint, it shall be lawful for the said Commissioners, or any Three or more of them, to dismiss such Complaint, upon Proof of such Notice of the Time and Place appointed for the Hearing of such Complaint having been given to such Complainant, or left at the Place

Place mentioned in such Complaint Book as aforesaid as the Place of Residence or Place of Business of such Complainant; and no such Complaint shall be heard before any Justice of the Peace unless a Notice in Writing of the Time and Place of Hearing thereof shall be given to the Collector of Excise in whose Collection or to the Supervisor of Excise in whose District the Subject Matter of Complaint shall have arisen Eight Days at least before the Time appointed for the Hearing of such Complaint, which Notice shall contain and set forth the exact Sum which is complained of as being an Over-charge, and the Date when the Charge was made on which such Over-charge is said to have arisen, or the exact Sum complained of as being an Over-payment, and the Date when such Over-payment was made, or the exact Amount of Duty claimed to be allowed or returned, and on what Account, as the Case may be; and in every Case respectively the Ground of Complaint of such Over-charge or Over-payment, or Claim of Return or Allowance of Duty, shall be set forth in such Complaint: Provided also, that the Payment of any Duty with which any such Complainant as aforesaid shall have been charged, or any Proceedings for the Recovery or Payment of any such Duty, shall not be delayed or suspended by reason of the making of any Complaint of Over-charge of such Duty, or of the same being depending.

Offences under the Customs Laws may be sued for by Order of Commissioners of Excise, and in the Name of Officers of Excise.

XXVIII. And be it further enacted, That any Penalty or Forfeiture incurred under any Act or Acts of Parliament relating to the Revenue of Customs may be sued for and recovered by Order of the Commissioners of Excise, and in the Name of an Officer of Excise, as well as by Order of the Commissioners of Customs, and in the Name of an Officer of Customs; and where any Election or Option is or shall be given by any such Act or Acts to the Commissioners of Customs, which of Two Penalties shall be sued for, such Election or Option may be exercised by the Commissioners of Excise, and may be averred in the Information to have been made by such last-mentioned Commissioners, and such Averment shall be deemed and taken to be sufficient Proof of such Order and of such Election or Option, without any further Evidence thereof.

Power for Commissioners of Excise, with Consent of Treasury, to take Lands, &c. upon Lease.

XXIX. And be it further enacted, That it shall be lawful for the Commissioners of Excise, with the Consent of the Lord High Treasurer, or any Three or more of the Commissioners of the Treasury, to contract for and take on Lease, in Trust for His Majesty, His Heirs and Successors, for the Use and Service of the Revenue of Excise, any Messuages, Buildings, Lands, Tenements, or Hereditaments, either for any Term, for Life or Lives, or Years, or any less Interest therein, which they the said Commissioners of Excise may deem desirable to be contracted for and taken for the Use and Service of the Revenue of Excise; and every Demise of any such Messuages, Buildings, Lands, Tenements, or Hereditaments shall be made to, and all Covenants relating to any such Demise shall be made and entered into and with and by the Secretary of His Majesty's Commissioners of Excise for the Time being, and his Successors in the Office of Secretary.

Construction of Terms in Acts of Parliament.

XXX. And in order to prevent the frequent Use of Terms and Expressions in Acts, and to give Effect to those used; be it further enacted, That whenever in this or any other Act relating to the Revenue of Excise the Word or Words, writing, wrote, or written, shall be used, the same shall include printing or printed, or partly written and partly printed; and when the Singular Number or Masculine Gender only shall be used, such Word or Words shall be construed to mean several Persons as well as one, and Females as well as Males, and Bodies Corporate and Politic as well as Individuals, and several Matters and Things as well as one Matter or Thing, unless it be otherwise specially provided for, or there be something in the Subject or Context repugnant to such Construction.

Commencement of Act.

XXXI. And be it further enacted, That this Act shall commence and take effect from and immediately after the passing thereof.

Act may be altered in this Session.

XXXII. And be it further enacted, That this Act or any of the Provisions thereof may be amended, altered, or repealed by any Act to be passed in this present Session of Parliament.

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ANNO QUARTO & QUINTO

GULIELMI IV. REGIS.

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CAP. LII.

An Act to amend an Act of the Twentieth Year of His Majesty King *George* the Second, for the Relief and Support of sick, maimed, and disabled Seamen, and the Widows and Children of such as shall be killed, slain, or drowned in the Merchant Service; and for other Purposes.

[13th *August* 1834.]

WHEREAS by an Act passed in the Twentieth Year of His Majesty King *George* the Second, intituled *An Act for the Relief and Support of maimed and disabled Seamen, and the Widows and Children of such as shall be killed, slain, or drowned in the Merchants Service,* a Body Corporate and Politic was created by the Name of "The President and Governors for the Relief and Support of sick, maimed, and disabled Seamen, and of the Widows and Children of such as shall be killed, slain, or drowned in the Merchants Service," and divers Powers and Privileges were thereby granted to the said Corporation, and Regulations made for the Management thereof; and various Provisions were by the said Act made for the Relief and Support of maimed and disabled Seamen, and the Widows and Children of such as shall be killed, slain, 20 G. 2. c. 38.

slain, or drowned as aforesaid: And whereas another Act was passed in the Thirty-seventh Year of the Reign of His Majesty King *George* 37 G. 3. c. 73. the Third, intituled *An Act for preventing the Desertion of Seamen from* British *Merchant Ships trading to His Majesty's Colonies and Plantations Abroad:* And whereas it is expedient to repeal some, and to extend and comprise in One Act of Parliament others of the Provisions of the said Two recited Acts: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Thirty-first Day of *December* One thousand eight hundred and thirty-four, from which Day (except as herein-after is expressly provided) this Act shall commence and take effect, the whole of the said recited Act of the Twentieth Year of the Reign of His said late Majesty King *George* the Second, except so far as the same relates to the Incorporation and perpetual Succession of the said Body Corporate and Politic, or to the Powers and Authorities thereby vested in the said President and Governors for receiving, possessing, and applying such Sums of Money as should be contributed, devised, or bequeathed to it, and for purchasing and holding Lands and erecting an Hospital, or to the Rules and Method thereby provided for supplying the Places of the President and Assistants or Committees and Governors or Members thereof so often as Vacancies shall occur, and making and altering the Bye Laws, Constitutions, and Ordinances of the said Corporation; and so much of the said recited Act of the Thirty-seventh Year of the Reign of His said late Majesty King *George* the Third as relates to the Payment and Appropriation to and for the Uses and Purposes therein mentioned of the Wages of deceased Seamen and other Persons engaged in *British* Merchant Ships trading to the *West Indies*, and to the Penalties and Forfeitures thereby imposed, so far as the same are payable or recoverable on account of any Infraction of the Provisions of the said Act respecting the Payment and Appropriation of such Wages as aforesaid; be and the same are hereby declared to be repealed: Provided always, that all Offences which shall have been committed, and all Penalties and Forfeitures which shall have been incurred, and all Payments and Duties to which any Party shall have become liable, previous to the Commencement of this Act, against the Provisions of the said Acts, shall and may be punishable and recoverable under the said Acts as if the same had not been repealed, although such Payments and Duties shall not in consequence of such Liability have become actually receivable by the said President and Governors until after the said Thirty-first Day of *December*.

Repeal of certain Parts of recited Acts.

Proviso as to Offences committed or Penalties incurred.

President and Governors empowered to relieve disabled Seamen and their Widows and Children.

II. And be it further enacted, That the said President and Governors and their Successors shall and may and they are hereby authorized and empowered to provide, in such their Hospital as aforesaid, for the Reception of such Seamen as shall be rendered incapable of present or future Service by Sickness, Wounds, or other accidental Misfortunes, and those who shall become decrepit or worn out by Age, or shall provide for such Seamen by allowing them certain Pensions, or otherwise as to the said President and Governors and

their Successors shall seem meet and most for the Advantage of the said Charity; and also to relieve the Widows and Children of such Seamen as shall be killed, slain, or drowned in the said Service; and also to relieve the Widows and Children of such Seamen as shall die after having contributed during a Term of Twenty-one Years to the Funds of this Corporation, provided such Children are not of the Age of Fourteen Years, or if of that Age or upwards, not capable of getting a Livelihood by reason of Lameness, Blindness, or other Infirmities, and are proper Objects of Charity; and also to relieve the Widows and Children (such Children being proper Objects of Charity as aforesaid) of such Seamen as at the Time of their Death shall have been receiving or have been entitled to receive Pensions, under and by virtue of this Act, from the Fund hereby to be created, as decrepit or worn-out Seamen: Provided that no Widow shall be entitled to any Benefit under this Act who shall not have been the Wife of such Seaman or Pensioner before he became entitled to Relief under the Provisions of this Act: Provided nevertheless, that no Seaman in the said Service shall be entitled to any of the Provisions or Benefits of this Act, on account of any Hurt or Damage he may have received on board any Ship or Vessel, unless he shall produce or cause to be produced a Certificate to the said President, Assistants, and Committees, of the Hurt or Damage he hath received, from the Master, Mate, Boatswain, and Surgeon, or so many of them as were in the Ship or Vessel to which such Seaman belonged at the Time of his receiving such Hurt or Damage, or of the Master and Two of the Seamen if there be no other Officer, or in case the Master shall die, or be killed or drowned, then of the Person who shall take upon him the Care of the Ship or Vessel, and Two of the Seamen on board the same, under their Hands and Seals, thereby signifying how and in what Manner such Seaman received such Hurt or Damage, whether in fighting, defending, working, loading, or unloading the said Ship or Vessel, where and when he entered, and how long he had served on board the same; and the Parties so signing and sealing such Certificate shall and are hereby required to make Oath of the Truth of the Contents thereof before some one of His Majesty's Justices of the Peace, if given in *Great Britain* or *Ireland* or other His Majesty's Dominions, or the Chief Officer of the Customs of the Port or Place where there is no Justice of the Peace, or before the *British* Consul or Resident in any Foreign Country where such Certificate is executed (who are hereby respectively authorized and required to administer the same without Fee or Reward); and in case of Sickness, whereby such Seaman shall be rendered incapable of Service, a Certificate signed, sealed, and authenticated in like Manner, signifying that he was healthy when he entered on board such Ship or Vessel, and that such Sickness was contracted on board the same, or on shore in doing his Duty in the Service of the Ship, and not otherwise, and expressing the Time and Place he entered on board such Ship or Vessel, and how long he had served therein; and that no Widow, Child, or Children of any Seaman killed, slain, or drowned in the said Service, shall be relieved or entitled to any Allowance by virtue of this Act unless she or they, or some Person on her or their Behalf, shall produce a Certificate, signed, sealed, and authenticated in

Seamen to produce Certificate of the Hurt they have received.

Parties signing the Certificate to make Oath of the Truth thereof.

Certificates to be produced by Seamen disabled by Sickness, and by Widows and Children of Seamen.

in like Manner, signifying how and in what Manner such Seaman lost his Life in the Service of the said Ship or Vessel, the Time and Place he entered on board, and how long he had served therein; and that no Widow, Child, or Children of any Seaman in the said Service shall be entitled to any Relief by virtue of this Act unless she or they shall produce or cause to be produced a Certificate under the Hands and Seals of the Minister and Churchwardens and Overseers of the Poor of the Parish, Township, or Place, or any Two of them, or under the Hands and Seals of the Minister and Overseers of the Poor of the Parish, Township, or Place, or any Two of them, where there are no Churchwardens, or if in *Scotland* by the Minister and Elders, or if in *Ireland* by a Justice of the Peace for the Parish, Township, or Place where such Widow, Child, or Children shall at the Time reside, and if such Widow, Child, or Children are some of the People called *Quakers*, then by any Two reputable Persons of that Persuasion of the Parish, Township, or Place where such Widow, Child, or Children have a legal Settlement, or do inhabit and reside, to be attested by Two or more credible Witnesses, that such Widow was the lawful Wife and real Widow, and that such Child or Children was or were the lawful Child or Children of such deceased Seaman as aforesaid, and that such Child or Children is and are under the Age of Fourteen Years, or if of that Age or upwards, not capable of getting a Livelihood by reason of Lameness, Blindness, or other Infirmities, and is or are proper Objects of Charity; and that no Seaman shall be provided for by a Pension or otherwise, as decrepit or worn out, unless such Seaman shall have served in the Merchant Service for the Space of Five Years, and shall have during that Time contributed and paid the Monthly Duty out of his Wages, in and by the Act of the Twentieth Year of the Reign of King *George* the Second herein-before recited, or in and by this Act, required to be henceforward paid and deducted as the Case may happen, for the Uses and Purposes in and by this Act provided.

Decrepit Seamen not entitled to the Benefit of this Act unless they have served Five Years, and contributed monthly.

Persons forging, &c. Certificates to be punished.

III. Provided always, and be it further enacted, That if any Person shall forge, counterfeit, erase, or alter, or shall procure to be forged, counterfeited, erased, or altered, or shall unfairly or unduly obtain, any Certificate in order to entitle him or her to any of the Pensions, Allowances, or Benefits of this Act, and shall produce or cause such Certificate to be produced for that Purpose, such Certificate shall, upon Discovery thereof, be null and void, and such Person so applying for Relief or Provision shall be for ever incapable of receiving any of the Benefits of this Act, and shall be subject and liable to the like Punishment as an incorrigible Rogue is subject and liable to, and shall be punished accordingly as such.

President and Five Assistants to make a Court, who are to meet weekly.

The Court may apply the Monies.

IV. And be it further enacted, That the said President, with any Five or more of the said Assistants or Committees for the Time being, shall make a full Court of Assistants or Committees, and shall meet from Time to Time upon *Wednesdays* weekly in or near the City of *London*, or at such other Time or Place as they shall think fit to appoint; and such Court shall have Power, when assembled as aforesaid, in the Name of the said Corporation and on their Account,

to

to apply the Monies arising and to be received by virtue of this Act, or otherwise belonging to and vested in the said Corporation, for the Relief and Support of such Seamen, their Widows and Children, as are herein-before described, and in case there shall be any Surplus thereof, or any Sum or Sums of Money shall be contributed and given for the Purpose of this Act by any well-disposed Persons, to lay out the same in Parliamentary Securities, or to dispose of the same in the Purchase of such Lands, Tenements, or Hereditaments as are allowed to be purchased and held by the said Corporation by the said recited Act of the Twentieth Year of the Reign of His said late Majesty *George* the Second, and with and under their Common Seal to enter into any Covenants or Contracts for the Purposes aforesaid, as they shall think fit for the better promoting and carrying into effect the Provisions of this Act; and to appoint and choose, and at their Pleasure to remove, displace, and supply, any Officers, Servants, and other Person and Persons to be employed for the Purposes herein mentioned and intended, or other the Affairs of the said Corporation (other than and except such Officers and Persons as by the said Act of the Twentieth Year of the Reign of His said late Majesty King *George* the Second are directed to be chosen and appointed at a General Court or Assembly of the said Corporation), and to direct and appoint such Salaries, Perquisites, and other Rewards for their Labour and Service therein as they shall approve and think proper, and to do, manage, transact, and determine all such Matters and Things as to them or the greater Part of them shall appear necessary and convenient for the effecting and carrying on the Purposes hereby intended.

of the Corporation, and appoint the Officers and their Salaries;

Exception;

and do all other Matters and Things necessary.

V. And be it further enacted, for effecting the Ends and Purposes aforesaid, That every Master of any Merchant Ship or Vessel belonging or to belong to any of the Subjects of His Majesty, His Heirs or Successors, and every Owner being a *British* Subject navigating or working his own Ship or Vessel, whether the said Ship or Vessel shall be employed on the High Sea, or Coasts of *Great Britain* or *Ireland*, or in any Port, Bay, or Creek of the same, shall, from and after the Thirty-first Day of *December* One thousand eight hundred and thirty-four, pay, and there shall be allowed and paid by every such Master or Owner, Two Shillings *per* Month of lawful Money of *Great Britain*, and proportionably for a lesser Time, during the Time he or they shall be employed in or navigate or work such Merchant Ship or Vessel, for the Uses and Purposes aforesaid: Provided always, that such Masters or Owners of such Ships or Vessels, or their Widows and Children under Fourteen Years of Age, or being Objects of Charity as aforesaid, shall have and be entitled to have a proportionate Increase of the Pension or other Allowance, as in and by this Act is provided, according to the Difference between the Amount of the Monthly Duty hereby required to be paid by other Seamen, Mariners, and Pilots, in case such Master or Owner shall have paid the said Sum of Two Shillings *per* Month for a Period of Five Years or Sixty Months before any Application to the said President and Governors for Relief under this Act or the Provisions thereof, or any of them; but in case any such Master or Owner shall be killed or

All Masters and Owners of Merchant Ships or Vessels, &c. to pay 2*s.* per Month.

drowned, or become decrepit and maimed or disabled, before he or they shall have paid such increased Rate of Two Shillings *per* Month for the full Period of Five Years or Sixty Months as aforesaid, then such Masters or Owners, or their Widows and Children, shall have and be entitled to have and receive such smaller Pension or Allowance as the said President and Governors, or the Trustees to be appointed as herein-after mentioned shall think fit.

All Seamen or other Persons serving on board such Ships or Vessels to pay 1*s.* per Month.

VI. And be it further enacted, That every Seaman or other Person whatsoever who shall serve or be employed by any Person or Persons whatsoever in any Merchant Ship, or other private Ship or Vessel, belonging or to belong to any of the Subjects of His Majesty, His Heirs or Successors, whether the said Ship or Vessel shall be employed on the High Sea or Coasts of *Great Britain* or *Ireland*, or in any Port, Bay, or Creek of the same, and every Pilot employed on board any such Ship or Vessel, shall, from and after the Thirty-first Day of *December* One thousand eight hundred and thirty-four, pay, and there shall be allowed and paid by every such Seaman, Pilot, or other Person employed or that shall be employed, One Shilling *per* Month of lawful Money of *Great Britain*, and proportionably for a lesser Time, during the Time he or they shall be employed in or belong to the said Ship or Vessel, for the Uses and Purposes aforesaid: Provided always, that this Act shall not extend or be construed to extend to any Person or Persons who shall be employed in any Boat upon any of the Coasts of *Great Britain* or *Ireland*, or the Islands of *Guernsey*, *Jersey*, *Alderney*, *Sark*, and *Man*, in taking Fish, nor to any Person or Persons employed in Boats or Vessels that trade only from Place to Place within any River of *Great Britain* or *Ireland*.

Masters of Ships to keep in their Hands 1*s.* per Month out of Seamen's Pay, and pay over the same to the Receiver of the Duties.

VII. And be it further enacted, That the Master, Owner, or Commander of every such Merchant or private Ship or Vessel is hereby empowered and required to deduct and detain out of the Wages, Shares, or other Profits payable or accruing to such Seaman or other Person employed on board such Ship or Vessel (other than such Persons as are hereby excepted), the said Monthly Duty, and shall pay the same, together with the Amount of the Duty due and owing from himself, to such Officer or Officers as shall on that Behalf be appointed by the said President and Governors, or the Trustees to be appointed at any of the Out-ports in manner herein-after provided, and their Successors, for the collecting, recovering, and receiving the said Duty of One Shilling *per* Month, if such Seaman or other Person shall have or be entitled to any such Wages, Shares, or Profits.

Receivers to be appointed for the Port of London and the Out-ports, who are to collect and pay over the

VIII. And be it further enacted, That it shall and may be lawful for the said President and Governors, and their Successors, at a full Court of Assistants or Committees, to appoint such Person or Persons as they shall think fit to be Receiver or Receivers of the said Duties of Two Shillings and One Shilling *per* Month at the Port of *London*, and also depute and appoint the Collectors or other Officers of the Customs of His Majesty, His Heirs and Successors, in the several Out-ports

Out-ports of *Great Britain* and *Ireland*, with the Concurrence of the Commissioners of the said Customs, or such other Persons as they shall think fit, to collect and receive the same (except in such Out-ports and where separate Trustees shall have been appointed by virtue of this Act); which said Receivers, as also the Collectors and Officers of the Customs, are hereby empowered and required to collect, receive, and pay over the said Duties according to such Instructions and Directions as shall be from Time to Time sent to them in Writing by the said President and Governors and their Successors; and for the Care and Pains therein of the said Collectors and other Officers of the Customs to be appointed to collect, recover, and receive the said Duty, it shall and may be lawful for the said President and Governors and their Successors, at such Court of Assistants or Committees as aforesaid, to make such Allowance to them out of the said Duties as they shall judge reasonable, so that the same do not exceed the Sum of Five Pounds *per Centum* on the gross Amount thereof.

Duties according to Instructions.

IX. And be it further enacted, That every Master, Commander, or Owner of any Merchant Ship or other private Ship or Vessel navigating the same, or such other Person as shall have the Care thereof, shall keep a Book by way of Muster Roll or Account of the Ship's Company, signed by himself, in which shall be entered his own Christian and Surname, and the Christian and Surnames of all the Officers, Seamen, and other Persons employed in such Ship or Vessel, and over against each Name the Age, Place of Birth, and Quality of such Seaman or other Person, and the Time and Place when he entered into the Service of such Ship or Vessel; and such Master, Commander, or Owner, or other Person having the Care of such Ship or Vessel shall continue to keep such Book by way of Muster Roll during the whole Course of the Voyage, and shall from Time to Time enter therein when and where any such Master, Officer, Seaman, or other Person shall be discharged from or shall leave or desert such Ship or Vessel, and when and where any other Officers and Men shall be shipped on board, describing them in like Manner as the Persons who first entered on board are directed to be described, and when and where any of them received any Hurt or Damage, or were killed, slain, or drowned, or otherwise happened to die, in case there should be any such, together with a Statement of the Amount of Wages due to them at the Time of Death or Desertion, and of what Clothes or other Effects such deceased Man shall have left on board; which said Account shall be in the Form, and shall contain a true and correct Return under their respective Heads of the several Particulars expressed in the Schedule marked (A.) and to this Act annexed; a Duplicate of which Account shall, if required, be signed by the said Master, Commander, or other Person having the Care of the Ship or Vessel as aforesaid, and shall be delivered to the Collectors or Receivers of the said Duties so appointed as aforesaid, at whatever Port in *Great Britain* or *Ireland* any such Ship or Vessel shall report or discharge her Cargo; and every such Duplicates for Vessels not belonging to such Port of Discharge shall be forwarded by such Receiver to the said President and Governors, to be by them transmitted to the Trustees of the Port to which the Vessel shall belong; and

Masters to keep Muster Roll, and deliver Duplicates thereof to the Collectors.

Receivers to transmit Duplicates of Vessels not belonging to their Port.

and in case any such Master, Commander, or other Person shall neglect to keep such Muster Roll or Account, or shall neglect or refuse to deliver such Duplicate as aforesaid, and in case such Receiver or Collectors shall neglect or refuse to transmit the Duplicates which shall be delivered to them as aforesaid to the said President and Governors, every such Person so offending shall forfeit and pay for every such Refusal or Omission the Sum of Five Pounds of lawful Money of *Great Britain*.

Penalty for Neglect by Masters, &c.

Masters of Vessels to deduct Penalties from Wages of Seamen, and deliver a verified Account thereof to Officers of President and Governors, under Penalty of 20*l*.

X. And be it further enacted, That the Master for the Time being of every Ship coming within the Provisions of this Act shall have Authority to deduct out of the Wages of the Seamen thereof the Amount of all Forfeitures to be incurred by any such Seamen, and every such Master is hereby required correctly and truly to enter the same in a Book to be by him kept for that Purpose, which shall be signed by the Master and the Person next to him in the Command of the Ship, both of whom shall therein certify that it contains all the Forfeitures which have been incurred by the Seamen of the Ship during the Voyage, to the Truth whereof the Master shall make Oath when required by the Officer of the said President and Governors in *London*, or of the Trustees at any of the Out-ports, if any, and if not, to the respective Receivers or Collectors of the said President and Governors at such Out-ports appointed to receive the Monies payable in respect of the Wages of Merchant Seamen, which Oath such Officer is hereby authorized to administer; and the said Book, or a true Copy thereof signed and certified as aforesaid, shall, within One Calendar Month after the Ship's Return from her Voyage, be delivered to the said Officer by the Master, together with Extracts from the Log Book of the Entries therein of the Causes of the several Forfeitures which are herein-before required to be made; and every Master as aforesaid who shall refuse or neglect to deliver any such Account as hereby required shall forfeit and pay the Sum of Twenty Pounds.

Collectors may summon Masters of Vessels, and examine them upon Oath as to the Truth of the Muster Rolls.

XI. And be it further enacted, That it shall and may be lawful to and for the said Collectors or Receivers, for the better Discovery of what shall be due from the several Persons serving on board or belonging to any Merchant Ship or other private Ship or Vessel aforesaid, by Warrant under his or their Hand or Hands to summon every such Master and Commander, or in his Absence such Owner or Owners of such Ship or Vessel as aforesaid, to be and appear at the Office of the said Collectors or Receivers respectively (so that the Persons so summoned be not obliged to travel above Ten Miles for the making such Appearance), which said Collectors or Receivers are hereby empowered and directed to examine every such Master and Commander or Owner or Owners as to the Truth of the Copy of such Book or Muster Roll, and as to the Number and Times of Service of all the several Persons belonging to or employed in such Ship or Vessel, who are liable to or chargeable with the said Duty; and if such Masters or Commanders, or in their Absence such Owner or Owners, or any of them, shall refuse or neglect when so summoned to appear before the said respective Persons hereby empowered to

Masters refusing to appear or to answer, to forfeit 10*l*.

examine them in manner as aforesaid, or if they shall appear and obstinately refuse to make a full and true Discovery of the Matters aforesaid, then and in every such Case all and every such Offender or Offenders for every such Refusal shall forfeit the Sum of Ten Pounds of lawful Money of *Great Britain*.

Secretaries, &c. of Public Offices to give in a List of Ships employed in their Service.

XII. And for the more easy and effectual Collection of the said Duties of and from the Masters, Commanders, and Owners of Merchants Ships or other private Ships or Vessels that are or shall be hired or employed on monthly Charter by the several Departments of the Navy, Victualling, Ordnance, Customs, Post Office, or other Public Offices for or in the Service of His Majesty, His Heirs or Successors; be it further enacted, That the Secretaries or Chief Clerks of the aforesaid Offices or Departments respectively shall once in every Year, upon the First Day of *January* in each Year, or within Twenty Days next following at the farthest, upon Application being made to them by the said President and Governors for that Purpose, give and deliver to the Receiver or Receivers of the said Duties in the Port of *London* a true and exact List or Account of the Number and Names of all and every the Ships or Vessels that in the Year preceding every such Account shall have been hired or employed by the Commissioners or other Officers of every such Office respectively for or in the Service of His Majesty, His Heirs or Successors, and of all and every the Ships and Vessels which, at the Time of delivering in such Account, remain in the Service of every such Office or Department respectively, and of all such as between every such Account shall be discharged from such Service, and of the Names of the Masters, Commanders, and Owners of all and every such Ships and Vessels respectively, and also of the Numbers of Seamen or other Persons that shall from Time to Time be employed in every such Ship or Vessel; and that no Treasurer, Paymaster, or other Officer of or belonging to any such Public Office or Offices shall make out or pay any Bill for the Freight of any Ship or Vessel so hired or employed, or to be hired or employed, for or in the Service of His Majesty, His Heirs and Successors, as aforesaid, or pay any Wages to any Master, Commander, or other Persons employed or that shall be employed in any such Ship or Vessel, until every such Master, Commander, or Owner respectively shall and do produce and show unto such Treasurer, Paymaster, or other Officer respectively an Acquittance or Certificate signed by the said Receiver or Receivers, or his or their Deputy or Deputies for the Time being, whereby it shall appear that such Master, Commander, or Owner hath duly and fully paid and discharged the said Duties payable by virtue of this Act, and that he is not more than Three Months in arrear for the same.

Treasurers, &c. of such Offices to pay no Wages or Freight to any Master, &c. until he produce an Acquittance signed by Receiver of Duties

Duties to be paid at the Port where any Ship or Vessel shall unload her Cargo.

XIII. And be it further enacted, That all and every the Masters, Commanders, and Owners of all Merchant Ships and other private Ships and Vessels whatsoever by this Act made liable to the Payment of the said Duties of Two Shillings *per* Month and One Shilling *per* Month, shall pay all such Monies as shall from Time to Time be due from

from them and every of them respectively for or on account of the said Duties to the Collectors and Receivers appointed in pursuance of this Act or of the said Act of the Twentieth Year of the Reign of His said late Majesty King *George* the Second, at whatever Port in the said United Kingdom of *Great Britain* or *Ireland* any such Ship or Vessel shall report or discharge her Cargo, and before any such Ship or Vessel shall be cleared inwards by the Officers of the Customs of His Majesty, His Heirs or Successors, in any such Port; and that no Customer, Collector, Comptroller, Receiver, Surveyor, Searcher, Waiter, or other Officer of the Customs of His Majesty, His Heirs or Successors, shall at any Time hereafter clear inwards any Merchant Ship or any private Ship or Vessel whatsoever by this Act made liable to the Payment of the said Duties, or grant any Warrant, or give or grant out any Cockets, Transire, Returns, or Discharges unto or for any Ship or Vessel whatsoever, or shall permit or suffer any such Ship or Vessel to go out of any of the Ports before mentioned, until the said Master, Commander, or Owner or Owners of every such Ship or Vessel respectively shall and do produce and show forth unto such Officer or Officers an Acquittance or Certificate, signed by the said Receiver or Receivers, Collectors or Collector of the said Duties, whereby it shall appear that such Master, Commander, or Owners have duly and fully paid the said Duties, and are not more than Three Months in arrear for the same, or that they are exempt from the Payment of the said Duties by virtue of the Exceptions herein contained; and that every Master, Commander, or Owner of any such Ship or Vessel who shall refuse or neglect to pay the said Duty or Duties in manner and within the Time herein-before limited and appointed for Payment thereof, and also every Customer, Collector, Comptroller, Receiver, Surveyor, Searcher, Waiter, and other Officer of the Customs who shall make Default in any of the Premises enjoined them respectively by this Act, or shall in anywise act contrary to the Directions herein-before mentioned, shall for every such Refusal, Neglect, Default, or Act, forfeit the Sum of Ten Pounds of lawful Money of *Great Britain*; and that the Amount of such Duties as shall be received in pursuance of this Act, so far as the same shall be derived from the Duty imposed upon the Masters, Commanders, or Owners, and Seamen, or in respect of the Wages of the Masters, Commanders, or Owners, and Seamen, in such Ships or Vessels as shall not belong to the particular Port at which such Ships or Vessels shall be reported or discharge their Cargoes, shall be and the same is hereby required to be remitted by the Collectors or Receivers of the said Duty at the Port aforesaid to the Receiver of the Port of *London*, and that the same shall, when so received by him, be transmitted by him to the Trustees (if any) of the several Ports to which every such Ship or Vessel shall respectively belong:

Master or Owner may enter into Agreement with Trustees and Collectors for half-yearly Payments;

Provided always, that it shall and may be lawful for the Master, Commander, or Owner of any Merchant Ship or private Ship or Vessel which shall belong to any of the Out-ports at which Trustees shall have been appointed for the Purposes herein-after mentioned under the Provisions of this Act or by virtue of the said Act of His late Majesty King *George* the Second, to enter into an Agreement in Writing with the Trustees and Receiver or Collector for such

such Out-port, with the Intent that the whole of the Duties payable under this Act on account of the said Ship or Vessel, and so often as the same shall be employed, may be paid to the said Receiver or Collector of the said Out-ports by half-yearly Payments; that is to say, within Twenty-one Days after the Thirtieth Day of *June* and Thirty-first Day of *December* respectively in every Year; and that it shall and may be lawful for the Masters or Owners of any Ship or Vessel employed in the Coasting Trade, or only going from one Port to another in any Part of the Coasts of *Great Britain* or *Ireland*, to enter into a similar Agreement with the Receiver or Collector and the Trustees of any of the Ports to which such Ship or Vessel may belong; and that every such Master, Commander, or Owner, having entered into any such Agreement as aforesaid on account of any Ship or Vessel, shall not be required to make any Payment on account of the said Duties at any Port at which the said Ship or Vessel shall report or discharge its Cargo other than that to which it belongs, nor shall such Master or Owner be exposed to any of the Penalties, nor the said Ship or Vessel be in any Way delayed or impeded by the said Officers of His Majesty's Customs, or any other Person, in consequence of such Nonpayment at any other Port than as aforesaid, provided such Master or Owner produces before the Collector or Receiver for the Port at which such Ship or Vessel shall report or discharge her Cargo a Certificate of the Agreement herein-before mentioned, to be signed by the Collector or Receiver for the Port to which such Ship or Vessel belongs; and such half-yearly Payments of the said Duties shall be enforced in the same Manner and under the same Penalties as are herein-before provided for the general Collection of the Duties to be levied under the Provisions of this Act: Provided always, that a yearly Statement of the Sums so received and distributed at each such Port be made and published in One of the County or other Newspapers circulating in the District.

Certificate of such Agreement.

Payment under such Agreement to be enforced.

XIV. And to prevent unnecessary Delays in clearing Ships and Vessels, be it further enacted, That in case the Master, Commander, or Owner of any Ship or Vessel liable to the Payment of the Duties aforesaid, shall not produce such Acquittance or Certificate of Payment, or of an Agreement for such half-yearly Payment to be made at the Port to which such Ship or Vessel belongs, as is herein-before mentioned, to the Tide Surveyor when he shall come on board in order to clear such Ship or Vessel, the Tide Waiters on board such Ship or Vessel shall be continued until such Acquittance or Certificate is produced, at the Expence of such Master, Commander, or Owner, and not at the Expence of the Crown.

If Masters fail to produce proper Certificates, Tide Waiters to be continued on board at their Expence.

XV. And be it further enacted, That the Penalties and Forfeitures by this Act provided to be paid by any Master or Owner of any such Merchant Ship or Vessel shall be recoverable before any Magistrate or Justice of the Peace of the Port or Place at which any such Ship or Vessel shall be reported or shall discharge her Cargo as aforesaid; and that Notice of any Application for recovering any such Penalty or Penalties before such Magistrate or Justice of the Peace

Penalties by this Act recoverable before a Magistrate.

Service of Notice of Application.

Peace which shall have been served on the Owner, Master, or Commander, Broker or Agent of any such Ship or Vessel, shall be deemed sufficient Notice.

Owners and Masters of Ships of any of the Out-ports empowered to meet and appoint Trustees for the said Duties, who are to continue till 26th December in each Year.

XVI. And whereas the Masters, Commanders, and other Officers and Seamen employed in Ships or Vessels belonging to Persons residing at some of the Out-ports of *Great Britain* or *Ireland* may be desirous of having the said several Duties of Two Shillings *per Mensem* and One Shilling *per Mensem* to be allowed and paid by them out of their Wages as aforesaid, placed under the Direction and Management of Persons residing in or near to such Out-ports respectively; be it therefore enacted, That from and after the First Day of *October* One thousand eight hundred and thirty-four, and without being compelled to wait until this Act for the other general Purposes herein mentioned is to commence and take effect as is aforesaid, it shall and may be lawful to and for the Owners of and the Masters and Commanders employed on board the Ships and Vessels belonging to Persons residing at any of the said Out-ports to assemble and meet at any proper Time and Place within the Limits of the said Out-ports that shall be by any Five or more of them appointed by giving Ten Days previous Notice, to be fixed at the Custom House, Wharf, Quay, or any other public Place at such respective Out-port; and such Owners, Masters, and Commanders, or the greater Part of them, being so assembled as aforesaid, are hereby authorized and empowered from Time to Time to nominate and appoint, by an Instrument in Writing under their Hands and Seals, Fifteen Persons to be Trustees for such Out-port, for receiving, collecting, and applying the said Duties of Two Shillings *per Mensem* and One Shilling *per Mensem*, to be allowed, collected, and received by virtue of this Act, at such respective Out-port, for Relief and Support of the Seamen employed on board the Ships or Vessels belonging to such Persons respectively, and their Widows and Children, as shall be entitled thereto by virtue of this Act; which said Trustees shall continue to act until the Twenty-sixth Day of *December* One thousand eight hundred and thirty-five, and until new Trustees are nominated, appointed, and confirmed; and that within Ten Days after the Twenty-sixth Day of *December* in each succeeding Year, the Owners, Masters, and Commanders at such respective Out-ports shall have Power to meet and choose Fifteen Persons to be Trustees for the Year ensuing, by an Instrument in Writing under the Hands and Seals of the Owners, Masters, and Commanders, or the Majority of them so assembled, having given previous Notice in the Manner herein-before directed; which said respective Trustees shall continue from Time to Time until new Trustees are nominated, appointed, and confirmed as aforesaid; and the said Instrument shall be sent, free of Expence, to the President and Assistants or Committees of the said Corporation, who are hereby authorized and required to confirm the same under the Common Seal of the said Corporation, without Fee or Reward, within Fifteen Days after the Receipt thereof; which said Trustees when they shall be so confirmed as aforesaid (and whereof Five shall be a Quorum) shall be vested with and have the same Powers and Authorities to make Bye Laws,

New Trustees to be chosen yearly, and Instrument of Election to be confirmed by President, &c.

Five Trustees to be a Quorum, with Power to

and

and to revoke or alter the same, and to take, receive, and apply any Sum or Sums of Money which shall be contributed, devised, or bequeathed by any well-disposed Persons for the Purposes aforesaid, and to appoint Receivers and other Officers, and to collect, recover, receive, pay, and apply the said Duties of Two Shillings *per* Month and One Shilling *per* Month so to be allowed and paid by the Seamen or other Persons serving on board any Ship or Vessel belonging to such Persons respectively at such Out-ports as aforesaid, according to such Rules, Orders, and Regulations as are or shall be established by virtue and in pursuance of this Act, or have been established and continued under the Provisions of the said Act of the Twentieth Year of the Reign of His said Majesty *George* the Second, so far as the same are not inconsistent with or repealed or varied by the Provisions of this Act; and the said Receivers and other Officers shall have the same Powers and Authorities as the other Receivers and Officers to be appointed in pursuance of this Act, and shall be subject and liable to the same Penalties and Forfeitures, any thing herein contained to the contrary thereof in anywise notwithstanding: Provided always, that if the said Instrument of Trust in this Act mentioned shall not be sent to the President and Assistant or Committees within Sixty Days after every such Nomination and Appointment of Trustees, when any such shall have taken place, the Trust thereby created shall be considered void, and the Trustees appointed under it as discharged from the said Trust; and that the said President and Governors and their Successors duly appointed shall have Power to appoint a Receiver or Receivers for the Port or Place from which such Instrument of Trust shall not have been sent as aforesaid, for the Purpose of collecting the Duties and Allowances payable under and by virtue of this Act at such Port or Place aforesaid; and that the said President and Governors and their Successors shall have Power to demand and receive from the outgoing Trustee or Trustees of such Port or Place aforesaid an Account in Writing of the former Management of such void Trust, and also to demand the Payment from such Trustee or Trustees of any Balance which may at the Time of such Default be in the Hands of such Trustee or Trustees, who are hereby required to pay and deliver over the same to such Receiver so to be appointed as aforesaid, together with the Books of Account and other Books belonging to such Trustee or Trustees relative to such Trust.

make Bye Laws and appoint Officers.

Instrument of Trust to be forwarded to President and Governors within Sixty Days after every 26th December.

XVII. And be it further enacted, That where, on the Default or Neglect aforesaid, any such Receiver or Receivers shall be appointed, such Appointment shall not be revocable within Five Years after the same shall have been so made, except by the said President and Governors as they shall see fit.

Appointments on default not revocable within 5 Years.

XVIII. And whereas Trustees have been nominated and appointed at many of the Out-ports of *England* for similar Purposes to those hereby provided under and by virtue of the said Act of His Majesty King *George* the Second; be it further enacted, and it is hereby declared, That all such Trustees are to be deemed within and subject to the Provisions of this Act in the same Manner as if they had been nominated,

Trustees heretofore appointed at the several Out-ports to be subject to the Provisions of this Act.

nominated, appointed, and confirmed under and by virtue thereof; and all such Trustees are hereby empowered to continue to act in their respective Trusts until the Twenty-sixth Day of *December* One thousand eight hundred and thirty-five, or until new Trustees shall have been appointed, nominated, and confirmed by virtue of this Act.

The Corporation of the Merchants Venturers of Bristol appointed Trustees for the Duties, &c. received there;

XIX. And whereas by Letters Patent bearing Date the Eighteenth Day of *December* in the Sixth Year of the Reign of King *Edward* the Sixth, certain Merchants therein named, and their Successors, residing in the City and Port of *Bristol*, are incorporated by the Name of "The Master, Wardens, and Commonalty of Merchant Venturers of the City of *Bristol*," which said Society of Merchants are willing, for the Benefit of the Seamen employed on board Ships and Vessels in the Service of Merchants and other Traders belonging to the said City and Port, to undertake the Collection and Application of the Duties payable under this Act at the said City and Port, and to continue to exercise the Powers and Authorities and to discharge the Trusts vested in them by the said Act of the Twentieth Year of the Reign of King *George* the Second, except so far as the same are varied or revoked by this Act; be it further enacted, That the Master, Wardens, Assistants, and Treasurer of the said incorporated Society for the Time being shall be Trustees, and shall have and be vested with the like Powers and Authorities for collecting, recovering, receiving, and applying the said Duties of Two Shillings *per* Month and One Shilling *per* Month to be allowed, collected, and received by virtue of this Act at the said City and Port, and for taking, receiving, and applying any Sum or Sums of Money which shall be contributed, devised, or bequeathed by any well-disposed Persons for the Relief and Support of the Seamen employed in the Ships and Vessels belonging to the Merchants and Traders residing at the said City and Port, and their Widows and Children, as shall be entitled thereto by virtue of this Act, and to appoint and continue Receivers and other Officers for the Purposes aforesaid, as are given by this Act to the said President and Governors, according to such Rules, Orders, and Regulations as are or shall be established by virtue of this Act, or having been established by virtue of the said Act of the Reign of King *George* the Second, are not inconsistent with or revoked by the Provisions of this Act; and such Receivers and Officers shall have the same Powers and Authorities as the other Receivers and Officers appointed or continued by virtue of this Act, and shall be subject and liable to the same Penalties and Forfeitures; and the said Master, Wardens, Assistants, and Treasurer shall also have Power to take, receive, and hold any Lands, Tenements, and Hereditaments in such Manner and for the like Purposes only as the said President and Governors are by this Act or by the said Act of the Twentieth Year of the Reign of King *George* the Second empowered to take, receive, and hold Lands, Tenements, and Hereditaments, any thing herein contained to the contrary thereof in anywise notwithstanding.

and empowered to hold Lands for the Purpose of this Act.

The Guild of the Trinity House of

XX. And whereas the Guild or Brotherhood of Masters and Pilots Seamen of the *Trinity House* of the Town and Port of *Kingston-*

upon-Hull, are willing, for the Benefit of the Seamen employed on board Ships and Vessels in the Service of Merchants and other Traders belonging to the said Town and Port, to undertake the Collection and Application of the said Duties payable under this Act at the said Town and Port, and to continue to exercise the Powers and Authorities and discharge the Trusts vested in them by the said Act of the Twentieth Year of the Reign of King *George* the Second; be it therefore enacted, That the Guild or Brotherhood of Masters and Pilots Seamen of the *Trinity House* of the Town and Port of *Kingston-upon-Hull* for the Time being shall be Trustees, and shall have and be vested with the like Powers and Authorities for collecting, recovering, and applying the said Duties of Two Shillings *per* Month and One Shilling *per* Month to be paid at the said Town and Port, and for taking, receiving, and applying Bequests and Donations for the Purposes aforesaid, and for appointing and continuing Receivers and other Officers, as are given and granted by virtue of this Act to the President and Governors aforesaid, according to such Rules, Orders, and Regulations as are or shall be established by virtue of this Act, or being established under and by virtue of the said Act of the Twentieth Year of the Reign of King *George* the Second, are not inconsistent with or revoked by the Provisions of this Act; and such Receivers and other Officers shall have the same Powers and Authorities as the other Receivers and Officers to be appointed or continued under this Act, and shall be subject to the like Penalties and Forfeitures, any thing herein contained to the contrary thereof notwithstanding.

Kingston-upon-Hull appointed Trustees for the Duties, &c. received there.

XXI. And whereas it is expedient that the Port of the City of *Glasgow*, the Port of *Greenock*, and the Ports of *Port Glasgow*, *Crawford's Dyke*, *Gourock*, and their Dependencies, all situate and being on the River or Firth of *Clyde* in *Scotland*, shall be deemed and taken as One united Port for the Purposes of this Act; be it therefore enacted, That the said Port of the City of *Glasgow*, the Port of *Greenock*, and the Ports of *Port Glasgow*, *Crawford's Dyke*, *Gourock*, and their Dependencies, all situate and being on the River or Firth of *Clyde*, shall, for the Purposes of this Act, be held, deemed, and taken as One united Port; and that it shall and may be lawful for the Owners, Masters, and Commanders of Ships and Vessels belonging to Persons residing at any of the said united Ports of *Glasgow*, *Greenock*, *Port Glasgow*, *Crawford's Dyke*, *Gourock*, and their Dependencies, to assemble and meet at *Glasgow*, upon Notice given for that Purpose in the Manner herein-before directed, and such Owners, Masters, and Commanders, or the greater Part of them, being so assembled, are hereby authorized and empowered from Time to Time to make Bye Laws, and elect and appoint Fifteen Persons to be Trustees for such united Port, of whom Five shall be resident at each of the said Ports of *Glasgow*, *Greenock*, and *Port Glasgow*, for the Purposes of this Act; and which said Trustees shall be invested with all the Powers and Authorities that are given and granted by virtue of this Act to the Trustees of any other Out-port, and shall have and be vested with full Power and Authority for recovering, collecting, receiving, and applying all such Rates and Duties as may be deemed adequate

The Ports of Glasgow, Greenock, and Port Glasgow, &c. to be deemed One united Port, and Masters of Ships belonging thereto to elect Trustees for collecting Duties, &c.

adequate for the Relief of the sick, worn-out, and decayed Seamen belonging to the said Ports and their Dependencies, and their Widows and Families, not exceeding in the whole the said Duties of Two Shillings *per* Month and One Shilling *per* Month, to be allowed, collected, and received by virtue of this Act at the said united Ports of *Glasgow*, *Greenock*, *Port Glasgow*, *Crawford's Dyke*, *Gourock*, and their Dependencies, and for taking, receiving, and applying any Sum or Sums of Money which may have been or shall be contributed by any well-disposed Persons, or which may have been or shall be otherwise collected for the Relief and Support of the Seamen employed in the Ships and Vessels belonging to the Merchants and Traders residing at the said united Ports of *Glasgow*, *Greenock*, *Port Glasgow*, *Crawford's Dyke*, *Gourock*, and their Dependencies or either of them, and their Widows and Children, as shall be entitled thereto by virtue of this Act, any thing herein contained to the contrary thereof in anywise notwithstanding.

Trustees of Out-ports to transmit Account of the yearly Receipts and Expenditure to President and Governors.

XXII. And be it further enacted, That all and every the Trustees for the several Out-ports who now are or shall be appointed under and by virtue of the Act of the Twentieth Year of the Reign of His said late Majesty King *George* the Second, or of this Act, shall and they are hereby required to transmit annually, within Sixty Days after every Thirty-first Day of *December* in every Year, to the said President and Governors, a true and correct Account of the Receipts and Expenditure during the Year of such their several Trusts, conformable to a Form or Plan to be prescribed and forwarded by the said President and Governors, under the Penalty of Twenty Pounds, to be recovered and recoverable before a Magistrate or Justice of the Peace as other Penalties given by this Act; and that such Account of the Receipts and Expenditure of such Trustees, together with an Account of the Receipts and Expenditure of such President and Governors, shall be annually laid before the Honourable the House of Commons.

Collectors appointed by Trustees or Corporations aforesaid not to send Duplicate of Muster Rolls to the President and Assistants.

XXIII. And be it further enacted, That nothing herein contained shall be construed to extend to oblige the Receivers or Collectors of the said Duty appointed by the Trustees of any of the said respective Out-ports to send the Duplicates of the Muster Rolls hereby directed to be delivered to the Receivers and Collectors of the said Duties, in the Manner herein-before mentioned, to the said President and Assistants or Committees, for any Vessels belonging to the Ports where such Payment shall be made, but such Duplicates shall be delivered by such Collectors or Receivers to the said respective Trustees, and to be by them filed and preserved for their Use and Inspection.

No Seamen to have the Benefit of this Act unless he pays the Duty.

XXIV. Provided always, and be it hereby declared, That no Seaman or other Person employed on board any Merchant Ship, Steam Packets, or other private Ship or Vessel shall be entitled to receive any Provision or Benefit by virtue of this Act, at the Port of *London* or elsewhere, unless he be subject or liable to the said Duty hereby

hereby imposed, and shall pay the same when and where the same shall be required of him by virtue of this Act.

Those who have served longest to be first provided for.

XXV. Provided also, and be it hereby declared, That those Seamen who shall have been longest in the said Service, and contributed most towards the said Duties, shall be first provided for as worn out or decrepit.

Maimed Seamen to be provided for at the Port where the Accident happens.

XXVI. And whereas it may happen that Seamen or other Persons employed on board Ships or Vessels may by Accident in loading or unloading the same, or otherwise by doing such Duty on shore as well as on board such Ships or Vessels, receive such Hurt or Damage that it may endanger their Lives to send them to the Port to which the Ships or Vessels respectively belong; be it therefore further enacted, That in case any Seaman or other Person employed on board any Merchant Ship or private Ship or Vessel shall, in doing his Duty on shore, or on board any such Ship or Vessel while in a Port other than that to which the said Ship or Vessel shall belong, break an Arm or Leg, or be otherwise hurt or maimed, so that it is necessary that immediate Care should be taken of him, it shall and may be lawful for the said President and Governors at the Port of *London*, and the respective Trustees for the Out-ports, as the Case may be, and they are hereby required, to provide proper Relief for every such Seaman or other Person that shall be so hurt or maimed at their respective Ports, until he shall be so well recovered from such Hurt or Damage as to be removed and sent with Safety to the Port to which the Ship or Vessel in which such Seaman was at the Time of the Accident employed shall belong; and the Expence of relieving and maintaining such Seaman until he be so removed as aforesaid, and also the Expence of removing him, not exceeding Two-pence *per* Mile, shall be repaid to the said President and Governors at the Port of *London*, or to the Trustees, if any, for the respective Out-port at which the Accident shall have happened, by the Trustees of the Port to which such Ship or Vessel shall belong.

Disabled Seamen having served and paid Five Years to be provided for where they have contributed most.

XXVII. And be it further enacted, That in case any Seaman or other Person shall serve Five Years or more on board Merchant or other Ships or Vessels belonging to different Ports, and shall have paid the Monthly Duties for that entire Period, and shall have become decrepit and worn out, and adjudged either by the said President and Assistants or Committees, or by the Trustees at any of the Out-ports, a proper Object of Relief, such Person shall be provided for and relieved at the Port where he shall have contributed and paid the greatest Part of the said Duties for the last Five Years of his Service, any thing herein contained to the contrary notwithstanding.

Seamen who have been shipwrecked, or made Prisoners by the Enemy, may be relieved.

XXVIII. And whereas it may happen that Seamen or other Persons employed in the Merchant Service within the Limits of this Act may be shipwrecked, or taken by the Enemies of His Majesty, and on their Return from Shipwreck or Imprisonment may be returning with Passes to the Places of their respective Abodes; be it further enacted, That it shall and may be lawful for the said President and

Governors, or the respective Trustees, if they think fit, to relieve any such Seaman or other Person in such Manner as they shall think proper.

Where regular Certificates cannot be obtained, others may be admitted.

XXIX. And whereas there may be some Circumstances wherein some of the respective Certificates herein-before mentioned cannot be obtained; be it therefore enacted, That in all Cases where the Certificates directed to be produced by this Act for the Purpose of entitling the Parties producing the same to Relief and Support cannot be obtained, such other Certificates as shall be satisfactory to the said President and Governors or Trustees respectively shall be received and allowed so as to entitle the Party producing the same to the Pensions or other Relief provided by this Act.

Wages of deceased Seamen to be paid to the Trustees of the Port on Ship's Arrival, to the Use of the Executor, &c.

XXX. And be it further enacted, That all and every Sum and Sums of Money which shall be due for Wages to any Seaman, Mariner, or other Person hired or engaged on board any *British* Merchant Ship in any Port or Ports in *Great Britain* or *Ireland*, who shall have died on board during the Voyage, shall, within Three Months after the Arrival of such Merchant Ship in any Port or Ports of *Great Britain* and *Ireland*, be paid to the Trustees of the said Port to be appointed in pursuance of this Act, or to the Receiver or Collector or other authorized Agent of the said President and Governors, where there are no such Trustees, to and for the Use of the Executor or Executors, Administrator or Administrators of the Seaman, Mariner, or other Person so dying; and in case no Claim shall be made on the said Trustees by the Executors or Administrators of such Seaman, on account of such Wages, within One Year after the same shall have been paid over as aforesaid, that then the said Trustees of the said Port shall remit the same to the Collector or Receiver of the said President and Governors, or other their authorized Agent at the Port of *London*, in such Manner and at such Times as the said President and Governors shall direct, to and for the Use of the Executor or Executors, Administrator or Administrators of the Seaman, Mariner, or other Person so dying; and in case no Claim shall be made on the said President and Governors by the Executors or Administrators of such deceased Seaman, on account of such Wages, within One Year after the same shall have been first paid over to any Collector, Receiver, or Agent of the said President and Governors, then it shall be lawful for the said President and Governors to direct such Wages to be paid over (but without Interest for the same) to the Widow, or if there be no Widow claiming, then to the lawful Issue respectively, or such Persons as by virtue of the Statutes of Distribution of Intestates Effects shall be entitled to the same; and if any Master or Commander of any such Merchant Ship shall neglect or refuse to pay over or tender to the said Trustees, or the Receiver or Collector at the Port aforesaid, all and every such Sum and Sums of Money within the Time herein-before limited, he shall forfeit and pay for every such Offence Double the Amount of the Sum or Sums of Money so due to any Seaman, Mariner, or other Person for Wages aforesaid.

XXXI. Pro-

XXXI. Provided always, and be it further enacted, That all and every such Sum and Sums of Money as shall not be lawfully demanded of the said Receiver, Collector, or other authorized Agent of the said President and Governors at the Port of *London* by any legal Representative, or Widow or Issue, or other Person hereby authorized, as the Case may be, within the Term of Two Years after the first Payment thereof to any Collector or Agent of the said President and Governors, shall be forfeited, and shall go and be paid to the Use of the said President and Governors, or to the Trustees of the Port, if any, to which such Ship belongs, by such Receiver, Collector, or other authorized Agent of the said President and Governors at the Port of *London* aforesaid.

If not demanded in Three Years by Representatives, then to the Use of the President and Governors, or the Trustees of the respective Ports.

XXXII. And whereas by an Act passed in the last Session of this present Parliament, intituled *An Act for incorporating the Members of a Society commonly called The Seamen's Hospital Society, and their Successors, as therein is mentioned and provided; and for the better enabling and empowering them to carry on the charitable and useful Designs of the said Society*, a certain Society was incorporated by the Name of The Seamen's Hospital Society: And whereas the said Society was instituted for the charitable Relief of sick and distressed Seamen in the Port of *London*, and for the providing them with Medical and Surgical Aid, Lodging, Support, and Clothing until convalescent: And whereas it is expedient to provide some permanent Funds for enabling the said Society to carry on their said charitable Designs; be it therefore enacted, That the said President and Governors, and their Successors, or their Treasurer or other Officer for the Time being on their Behalf, shall and do, from and after this Act shall take effect, from Time to Time pay over to the said Seamen's Hospital Society, or their Treasurer for the Time being, the Amount of Five Pounds in every One hundred Pounds, and in the same Proportion for any greater or less Sum, on the net Amount to be collected and received by the said President and Governors and their Successors, and by their Receiver, Collector, or other authorized Agent at the Port of *London* for the aforesaid Duties of Two Shillings *per Mensem* and One Shilling *per Mensem* hereby made payable, so far as the same shall be derived from the Duty imposed upon Seamen, or in respect of the Wages of Seamen, in such Ships or Vessels as shall belong to the said Port of *London*, such Payments to be made to the said Seamen's Hospital Society, or their Treasurer for the Time being, every Three Months; (that is to say,) on the Day of on the Day of on the Day of and on the Day of in every Year; and the First of such Payments to be made on such of the said Days as shall happen next after this Act shall take effect; all such Payments to be applied by the said Seamen's Hospital Society according to the Directions of the aforesaid Act of the last Session of this present Parliament.

President and Governors to pay 5 per Cent. out of the Duties received by them from Seamen in the Port of London to the Seamen's Hospital Society in that Port.

XXXIII. And be it further enacted, That it shall and may be lawful to and for the said Receiver or Collector or other authorized Agent of the said President and Governors at the Port of *London* aforesaid, and he is hereby authorized, to deduct and receive from the gross

Five per Cent. to be deducted from gross Amount in lieu of Expences, &c.

gross Amount of such Sum or Sums of Money as shall be derived from the unclaimed Wages of deceased Seamen, so received by him in respect of such Wages of deceased Seamen as aforesaid, the Sum of Five Pounds *per Centum* as, for, and in satisfaction of all Expences and Trouble he may be put to in the Receipt, Collection, or Transmission thereof.

Application of Penalties.

XXXIV. And be it further enacted, That all Penalties and Forfeitures given by this Act shall be paid and applied in manner following; (that is to say,) One Third Part thereof to and for the Person or Persons who shall inform and sue for the same, and the other Two Third Parts thereof to the said President and Governors, on account of the Trustees of the Port to which such Ship or Vessel in respect of which the Forfeiture shall arise belongs; and such Penalty or Forfeiture shall be recovered by Bill, Plaint, or Information in any of His Majesty's Courts of Record at *Westminster*, or such of them as do not exceed the Sum of Twenty Pounds, upon Information, on the Oath of One or more Witnesses, before any One or more of His Majesty's Justice or Justices of the Peace in any Part of the Kingdom of *Great Britain* or *Ireland*, who shall not reside more than Ten Miles from the Place of Abode of the Person or Persons complained of; which Justice or Justices is and are hereby authorized and required to issue out his or their Warrant or Warrants to bring before him or them every Person charged with any Offence under this Act, and, in case he or they shall refuse or neglect to pay such Penalties or Forfeitures as aforesaid, to issue his or their Warrant or Warrants to levy the same by Distress and Sale of the Offender's Goods, and, in case no Distress can be found, to commit the Offender or Offenders to the Common Gaol of the City, Town, or Place within the Jurisdiction of such respective Justice or Justices, there to remain for the Space of Three Calendar Months, or until he or they shall pay the same.

Limitation of Actions.

XXXV. And be it further enacted, That if any Action shall be brought or Suit be commenced against any Person or Persons for any thing done in pursuance of this Act, or in relation to the Premises or any of them, every such Action or Suit shall be laid or brought within Two Calendar Months next after the Grievance committed in the County or Place where the Fact was done, and not elsewhere; and the Defendant or Defendants in such Action may plead the General Issue, and give this Act, and a Tender of Amends before Action brought, or the special Matter, in Evidence at any Trial to be had thereupon, and that the Act or Matter was done in pursuance and by the Authority of this Act; and if the same shall appear to have been so done, or if any such Action or Suit shall not be brought within the Time before limited, and shall be brought in any other County or Place than as aforesaid, or the Jury shall not consider the aggrieved Party entitled to more than the Amends tendered, then the Jury shall find for the Defendant or Defendants; or if the Plaintiff or Plaintiffs shall become Nonsuit, or suffer a Discontinuance of his, her, or their Action or Actions, or if a Verdict shall pass against the Plaintiff or Plaintiffs, or if upon Demurrer Judgment shall be given

against the Plaintiff or Plaintiffs, the Defendant or Defendants shall have Double Costs, and shall have such Remedy for recovering the same as any Defendant or Defendants hath or have for Costs in other Cases at Law.

XXXVI. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others. Public Act.

SCHEDULE (A.) to which this Act refers.

A List and Account of the Crew (including the Master and Apprentices) of the Ship of the Port of whereof is Master, at the Period of her Departure from the Port of in the United Kingdom, and on her Return to the Port of in the United Kingdom, and also of those who have joined the Ship at any Time during the Voyage.

Men's Name.	Place of Birth.	Place and Time of Entry.			Place and Time of Discharge, or leaving the Ship.			When and where received Hurt or damaged.	When or where killed or drowned, or died a natural Death.	Wages due at Time of Death.			What Clothes or other Effects any deceased Man has left.	Amount of Monthly Duty.
		Day.	Month.	Year.	Day.	Month.	Year.			£	s.	d.		

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Printers to the King's most Excellent Majesty. 1834.

ANNO QUARTO & QUINTO

GULIELMI IV. REGIS.

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CAP. LIII.

An Act to continue for One Year, and from thence to the End of the then next Session of Parliament, several Acts relating to the Importation and keeping of Arms and Gunpowder in *Ireland*.

[13th *August* 1834.]

WHEREAS an Act was made in the Forty-seventh Year of the Reign of His Majesty King *George* the Third, intituled *An Act to prevent improper Persons from having Arms in* Ireland, to continue in force for a certain Period therein mentioned: And whereas the said Act was by another Act made in the Fiftieth Year of His said Majesty's Reign continued and amended: And whereas by another Act made in the Fourth Year of the Reign of His late Majesty King *George* the Fourth the said recited Acts of the Forty-seventh and Fiftieth Years of the Reign of His Majesty King *George* the Third were further continued; and the said Acts were by another Act made in the Tenth Year of the Reign of His said late Majesty King *George* the Fourth amended and further continued for One Year, and until the End of the then next Session of Parliament, when the same expired: And whereas another Act was made in the First and Second Years of His present Majesty, whereby from the passing thereof the said recited Acts were revived and continued for One Year: And whereas by another Act made in the Second and Third Years of the Reign of His present Majesty, 47 G. 3. c. 54.

the said recited Acts were further continued for One Year, and until the End of this present Session of Parliament, and it is expedient that the said Acts should be further continued, but the same cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Act of the Forty-seventh Year of the Reign of His Majesty King *George* the Third, as the said Act is amended by the said recited Act of the Fiftieth Year of the same Reign and by the said recited Act of the Tenth Year of the Reign of His late Majesty King *George* the Fourth, and as the said Acts were revived by the said recited Act of the First and Second Years of the Reign of His present Majesty, shall be and the said Acts are hereby continued, and shall be and remain in force for the Term of One Year from the passing of this Act, and thenceforth until the End of the then next Session of Parliament.

Recited Act 47 G. 3., as amended by the Acts of 50 G. 3. and 10 G. 4., and revived by the Act of 1 & 2 W. 4., further continued.

II. And whereas an Act was passed in the First Year of the Reign of His present Majesty, intituled *An Act to regulate for One Year the Importation of Arms, Gunpowder, and Ammunition into* Ireland, *and the making, removing, selling, and keeping of Arms, Gunpowder, and Ammunition in* Ireland; and such Act was by the herein-before recited Act made in the Second and Third Years of the Reign of His present Majesty continued for the Term of One Year, and thenceforth until the End of this present Session of Parliament, and it is expedient that the said Act should be further continued; be it therefore enacted, That the said recited Act of the First Year of the Reign of His present Majesty shall be and the said Act is hereby continued and shall be and remain in force for the Term of One Year from the passing of this Act, and thenceforth until the End of the then next Session of Parliament.

The Act 11 G. 4. & 1 W. 4. c. 44. further continued.

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ANNO QUARTO & QUINTO

GULIELMI IV. REGIS.

****

CAP. LIV.

An Act to continue for Five Years, from the Fifth Day of *April* One thousand eight hundred and thirty-five, and to amend the Acts for authorizing a Composition for Assessed Taxes.

[13th *August* 1834.]

WHEREAS under and by virtue of several Acts divers Persons have compounded for their Assessed Taxes in *Great Britain* for a certain Term limited by the said Acts respectively, and their Contracts of Composition have been from Time to Time renewed or continued for a further Term under and by virtue of several other Acts passed for that Purpose; and such Contracts will expire on the Fifth Day of *April* One thousand eight hundred and thirty-five: And whereas it is expedient to relieve such Persons who have so compounded as aforesaid, as well as others who may be willing to compound under the Provisions of this Act, from an annual Assessment, for a further Term herein limited: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Assessments made or to be made under and by virtue of the Acts in force at and immediately before the passing of this Act, in relation to such of the Duties of Assessed Taxes as may be comprised in any Composition to be entered into under this Act for the Year to end on the

Assessments for the Year ending 5th April 1835 to remain to the same Amount if

compounded for under this Act for the Term of Five Years.

the Fifth Day of *April* One thousand eight hundred and thirty-five, shall severally be and remain to the same annual Amount in respect of every Person who shall compound for the annual Payment of the said Assessments under this Act for the Term of Five Years, to be computed from the Fifth Day of *April* One thousand eight hundred and thirty-five.

Compositions under former Acts may be renewed.

II. And be it enacted, That the several Compositions entered into under any former Act or Acts, and now in force, on any of the Duties of Assessed Taxes, may, in respect of such of the said Duties as are herein enumerated, be renewed under this Act for the Term of Five Years, to be computed from the said Fifth Day of *April* One thousand eight hundred and thirty-five, in the Manner, and subject to the Terms, Conditions, and Exceptions herein prescribed.

How Contracts of Composition are to be made.

III. And be it enacted, That every new Contract of Composition entered into under this Act shall contain in the Body thereof the Number of Servants, Carriages, Horses, and other Articles of the Establishment upon which Composition shall be made as aforesaid, and shall be made according to the Form set forth in the Schedule to this Act, *mutatis mutandis*.

Enumeration of Articles to be compounded for under this Act.

IV. Provided always, and be it enacted, That no Composition shall be entered into or renewed under this Act for any Duty or Duties of Assessed Taxes other than the Duties on the following Articles, forming the Establishment of the Person so compounding, and retained, employed, kept and used for his own Use, and not for or to the Use, Benefit, or Profit of any other Person, or to be lent or let to Hire; *viz.* the Duties on Servants mentioned in the Schedule of an Act passed in the Forty-eighth Year of the Reign of King *George* the Third, and in the Schedule of another Act passed in the Fifty-second Year of the Reign of the said King, marked (C.) N° I.; on Carriages mentioned in the Schedules of the said Acts respectively marked (D.) N° I. and N° II; on Horses mentioned in the Schedules of the said Acts respectively marked (E.) N° I. and N° III, and (F.) N° I. whether such Horses are subject to the Rates mentioned in the said Acts, or to any reduced Duty by any subsequent Act or Acts; on Dogs mentioned in the Schedule of the said Acts marked (G.); on Persons in respect of using or wearing Hair Power, mentioned in the Schedule of the said Act passed in the Forty-eighth Year of the said King, marked (I.); and on Persons in respect of using or wearing Armorial Bearings or Ensigns, mentioned in the Schedule of the said last mentioned Act marked (K.); and every such Composition which shall comprise any other Duty or Duties than the Duties enumerated shall be void and of no effect in respect of such other Duties, and for which the Party shall be subject to Assessment as if no such Composition had been entered into, according to the Laws in force relating to such Assessments.

Persons assessed for the Year ending the

V. And be it enacted, That every Person not having compounded under the said former Acts, who shall be duly assessed for the Year ending on the Fifth Day of *April* One thousand eight hundred and thirty-

thirty-five to the Rates and Duties chargeable under the Acts relating to Assessed Taxes, is hereby declared to be competent to compound for his Assessed Taxes herein enumerated for the Term of Five Years, to commence from the said Fifth Day of *April* One thousand eight hundred and thirty-five, on the same Amounts annually as shall be assessed on him for the Year ending on the said Fifth Day of *April* One thousand eight hundred and thirty-five, together with an additional annual Duty of One Shilling for every Twenty Shillings of the respective Amounts so assessed, and so after that Rate for any greater or lesser Sum than Twenty Shillings, so as not to include in the said additional Duty any Fraction of One Penny.

5th April 1835 may compound on the Amount assessed in that Year, paying an additional Duty of 5*l.* per Cent.

VI. Provided always, and be it enacted, That no Composition shall be entered into or renewed under this Act with any Person in Trade in respect of any Articles kept for the Purpose of Trade; nor shall any Composition be entered into upon any Assessment charged upon Two or more Persons in Partnership; nor shall any Composition under the said recited Acts with Two or more Partners be renewed under this Act; nor upon any Carriages, Horses, or other Articles let or used for Hire.

Exception as to Taxes in respect of Articles kept for Trade, &c.

VII. And be it enacted, That every Person who is or shall be duly assessed to, or who hath compounded under the said former Acts for his Dwelling House, Warehouse, Shop, or other Premises, in respect of the Windows or Lights therein, for the Year ending on the Fifth Day of *April* One thousand eight hundred and thirty-five, shall be entitled to make or open and keep open, free of Duty, any additional Number of Windows or Lights in his Dwelling House, Warehouse, Shop, or other Premises so assessed or compounded for; and that no Person not so assessed or compounding by reason of his Dwelling House, Warehouse, Shop, or other Premises not containing Seven Windows or Lights, shall be brought into Assessment, or made liable to Rates and Duties, because of the opening of any additional Number of Windows or Lights in such Dwelling House, Warehouse, Shop, or other Premises: Provided always, that if any such Person as aforesaid, whether he shall be assessed or hath compounded, or shall be liable to be assessed as aforesaid, or not, shall erect or build any Addition to such his Dwelling House, Warehouse, Shop, or Premises, or make or open any Communication with any other Tenement or Building adjoining or near thereto, then and in any such Case all the Windows and Lights in such Dwelling House, Warehouse, Shop, or Premises, and in such additional or adjoining Tenement or Building, shall be rated and assessed together to the said Duties, in like Manner as the same would before the passing of this Act be liable to be rated and assessed under any Act or Acts in force.

Persons who have compounded for Window Tax for Year ending 5th April 1835, and Persons not then liable to said Tax, may open additional Windows free of Duty.

Proviso as to Additions to Houses.

VIII. And be it enacted, That every Person, except as herein-after is excepted, who hath compounded, by any Contract now in force under the said former Acts, for any of the Duties of Assessed Taxes herein enumerated, is hereby declared to be competent to renew his former Composition as to so much and such Part thereof as relates to the Duties on the Articles herein enumerated, on the Amount

Compounders on the other Assessed Taxes may renew the same on the Amount charged

thereby, together with a further Duty of 5*l.* per Cent.

Amount of Duty charged and now payable on the same Articles respectively, and comprised in the said former Composition, together with the additional Rate or several additional Rates of Duty of Five *per Centum* also charged therein under the said former Acts in respect of the said Articles, which several Sums shall form the aggregate Amount on which any such Composition may be renewed under this Act; and the following shall be the Terms and Conditions of such Renewal; (that is to say,) where the Person who hath compounded as aforesaid hath not increased his Establishment of Servants, Horses, Carriages, or other Articles upon which such Composition hath been made to such an Extent that the Duties chargeable thereon under an Assessment would exceed by more than One Fourth the total Amount of the Sum now payable on such Contract of Composition, there shall be paid and payable a further additional Duty of One Shilling for every Twenty Shillings of the said aggregate Amount, and so after that Rate for any greater or less Sum than Twenty Shillings, so as not to include any Fraction of One Penny in the said further Duty; and where such Person hath increased such his Establishment beyond the Extent aforesaid, but so that the Duties chargeable thereon under an Assessment would not exceed Double the Sum now payable under such Contract of Composition, there shall be paid and payable the further additional Duty of Two Shillings for every Twenty Shillings of the said aggregate Amount, and so after that Rate for any greater or less Sum than Twenty Shillings, so as not to include any Fraction of One Penny in the said further Duty; and the Duties on Articles not herein enumerated nor compounded for as aforesaid shall continue to be assessed as if this Act had not been made.

Persons desirous of continuing their former Compositions to deliver their Contract or Copy, with Notice, before the 5th April 1835 in England, and before Whitsunday 1835 in Scotland.

IX. And be it enacted, That every Person who is hereby declared to be competent to renew his former Composition under this Act, and shall be desirous so to do, shall, on or before the Fifth Day of *April* One thousand eight hundred and thirty-five in *England*, and on or before the Term of *Whitsunday* in the same Year in *Scotland*, deliver or cause to be delivered to the Commissioners of the District in which such Person shall reside, or to the Clerk of such Commissioners, the Contract of his former Composition, or a true Copy or Certificate thereof, under the Hands of any Two of the Commissioners acting for the Division in which such Contract was entered into, annexing thereto a Notice according to the Form in the Schedule to this Act annexed, declaring his Intention to renew the same, and containing a full, true, and complete Return or List of the greatest Number of Servants, Carriages, Horses, and other Articles of his Establishment chargeable with Duty which shall have been kept and retained or employed by such Person at any Time during the Year commencing from the Fifth Day of *April* One thousand eight hundred and thirty-four.

Persons having compounded and reduced

X. And be it enacted, That if any Person having compounded under the said former Acts shall have reduced his Establishment since entering into such Composition, whereby such Person may be chargeable

chargeable with a lesser Amount of Assessed Taxes for the Year commencing from the Fifth Day of *April* One thousand eight hundred and thirty-five than the Duty compounded for, and shall by reason thereof be desirous of waiving the said Composition, and of entering into a Composition *de novo*, it shall be lawful for him so to do upon giving Notice in Writing of such his Intention to the Surveyor of the said Duties acting for the District in which such Person shall reside, within Three Calendar Months after the passing of this Act, annexing to such Notice a full, true, and complete Return or List of the greatest Number of Articles chargeable with Duty kept and retained or employed by such Person after the Fifth Day of *April* One thousand eight hundred and thirty-four, so that an Assessment may be duly made for the Year to commence from the Fifth Day of *April* One thousand eight hundred and thirty-five on all the Articles chargeable for that Year; and it shall be lawful for the Commissioners (subject to the Examinations in the Manner herein-after provided for Compositions with Persons under this Act who shall not have compounded under the said recited Acts) to enter into Composition under the Provisions of this Act with the Person giving the Notice aforesaid, upon the Amount of such Assessment as aforesaid, with the additional Duty granted thereon by this Act, to all Intents as if such Person had not compounded under the said former Acts.

their Establishments may compound de novo on the Assessment of 1835, on giving Notice within Three Months, and annexing thereto a Return of Articles chargeable.

XI. Provided always, and be it enacted, That nothing herein contained shall authorize the Renewal of any Contract of Composition with any Person who hath since increased his Establishment of Servants, Carriages, Horses, or other Articles upon which such Composition hath been made, so that the Duties chargeable thereon under an Assessment would amount to more than Double the Sum now payable under such Contract of Composition, nor with any Person who hath compounded on a less Amount of Duty than ought to have been included in such Composition; but nevertheless it shall be lawful for the said respective Commissioners in every such Case as aforesaid, after any such Person shall have made a *bonâ fide* Return of the greatest Number of Servants, Carriages, Horses, and other Articles of his Establishment, according to the Laws in force relating to the said Taxes, for the Year to commence from the Fifth Day of *April* One thousand eight hundred and thirty-five, in order to an Assessment thereon for that Year, and who shall be duly assessed for that Year to his Assessed Taxes, to contract and enter into Composition *de novo* with such Person on the Amount assessed for that Year on him in respect of the Articles herein enumerated, together with the additional Duty of Five *per Centum* hereby granted on the Amount of other Assessments compounded for under this Act.

Persons who, since compounding, have increased their Establishments to Double the Amount compounded for, or who have compounded on too small an Amount of Duty, may enter into Compositions de novo.

XII. Provided also, and be it enacted, That no Person who hath compounded under the said former Acts, and who shall give Notice, in pursuance of the said Acts, of his Intention to discontinue any Part of his increased Establishment of Servants, Carriages, Horses, or other Articles, in the Manner provided by the said Acts, shall be allowed to

Persons who have compounded under former Acts, giving Notice of Reduction in

their Establishment, to enter into new Compositions.

renew his former Contract of Composition under this Act, nor to enter into any new Contract of Composition under this Act, except upon the Amount of an Assessment made on a *bonâ fide* Return of the greatest Number of Servants, Carriages, Horses, and other such Articles as aforesaid kept and retained or employed by him in the Year commencing from the Fifth Day of *April* One thousand eight hundred and thirty-four, together with the additional Duty of Five *per Centum* on such Amount, in the same Manner as if such Person had not compounded under the said former Acts, the said Notice, or any thing in the said former Acts or this Act, to the contrary thereof notwithstanding.

Persons beginning to keep or increasing an Establishment in 1834 may compound on the Assessment of the succeeding Year.

XIII. And be it enacted, That every Person who shall have began to keep, use, or employ any Servants, Carriages, Horses, or other Articles before enumerated, or any additional Number thereof, in the Year ending on the said Fifth Day of *April* One thousand eight hundred and thirty-five, and who shall deliver a Statement, as herein-after is required, of the Number of Servants, Carriages, Horses, or other Articles aforesaid, so that an Assessment may be duly made thereon for the Year to commence from the Fifth Day of *April* One thousand eight hundred and thirty-five, is hereby declared to be competent to compound under this Act on the Amount charged in and by such Assessment to be made for the said Year to commence from the said Fifth Day of *April* One thousand eight hundred and thirty-five, on the same Terms and Conditions as if such Person had been so assessed for the preceding Year.

Renewed Composition not to extend to Articles of a different Description than authorized by former Composition.

XIV. Provided also, and be it enacted, That nothing in this Act contained shall be construed to extend any renewed Composition under the same to any Articles of a different Description than is authorized by the Composition entered into under the said former Acts, which shall have been set up or kept since the making of the said Composition, but every such Person shall be assessed for the said Articles as if the said former Composition had not been renewed; but nevertheless it shall be lawful for any such Person who shall have been assessed for the said additional Articles for the Year ending the Fifth Day of *April* One thousand eight hundred and thirty-five, or shall be assessed for the same for the subsequent Year, and who shall renew his former Composition, also to compound for the said additional Articles on the Amount of such Assessment, and the additional Rate granted by this Act, by entering into a separate Contract for the said Articles so assessed.

Compounders, having removed to another Division of Commissioners, may compound therein.

XV. And be it enacted, That every Person who shall have compounded under the said former Acts for the Articles of his Establishment, and shall have removed from the Division where the former Composition was entered into, and who shall be desirous to renew such Composition under this Act in respect of the same Establishment, shall deliver to the Commissioners of the Division where he shall reside the Contract of his former Composition, or a true Copy or Certificate thereof, under the Hands of any Two of the Commissioners entering into the said Contract, annexing thereto a Notice,

according to the Form in the Schedule to this Act annexed, declaring his Intention to renew the same; and it shall then be lawful for the said Commissioners to renew the same, according to the Provisions of this Act, in like Manner as if the said former Composition had been entered into by the Commissioners of the Division where the same is intended to be renewed.

Compounders entitled to the like Privileges of increasing Establishment, &c. as under former Acts.

XVI. And be it enacted, That every Person entering into or renewing any Composition according to the Provisions of this Act, and paying the Amount of the Sums compounded for at the Times and in the Proportions and in manner specified in the said former Acts and in this Act, and doing and performing all other Acts, Matters, and Things required by the said Acts, shall be entitled to the like Privileges of setting up, or retaining and keeping, using or employing, after the Fifth Day of *April* One thousand eight hundred and thirty-five, any additional Article or Articles composing his Establishment, to and for his own Use, but not otherwise, as the Persons compounding under the said former Acts are now entitled to according to the Provisions now in force of the said Acts or any of them, and not otherwise provided by this Act, and shall be exempt from all Assessments on such additional Article or Articles of his Establishment during the Term mentioned in such Composition: Provided always, that no Person who shall compound or renew any Composition under this Act for the Duties on any Dog or Dogs, other than Hounds, shall set up or keep free of Duty any Hound or Hounds, nor shall any Person who shall compound for any less Number of Hounds than Ten set up or keep free of Duty any additional Number of Hounds: Provided also, that the Privileges and Immunities in this Clause mentioned shall not extend to any Article of his Establishment specially excluded by this Act from every Composition to be made or renewed under the same, in which excepted Cases further or increased Charges shall and may be made, and the Fines, Penalties, and Forfeitures incurred under any of the Acts relating to Assessed Taxes shall and may be sued for, prosecuted, and recovered, according to the Provisions of the said several Acts, as fully and effectually as if no such Composition had been made or renewed under this Act.

Exceptions.

As to Persons assessed in Two Places, or who have compounded under former Acts in Places where they are not entitled to compound under this Act.

XVII. And be it enacted, That every Person who shall be assessed for any Servants, Carriages, Horses, or other chargeable Articles aforesaid, for the Year ending the Fifth Day of *April* One thousand eight hundred and thirty-five, in Two or more Places in *Great Britain*, or who shall be assessed for that Year, or shall have compounded under the said former Acts in a different Place than where he is entitled to compound under this Act, shall deliver, or cause to be delivered, to the Commissioners to whom such Application to compound shall be made a Certificate or Certificates under the Hands of the respective Surveyors of the Districts where he shall be so assessed or have compounded under the said Acts, containing the Particulars of such Assessment or Composition in every such other Division or Place, according to such Forms as shall be devised by the Commissioners of Stamps and Taxes pursuant to this Act; and every Com-

Composition entered into or renewed contrary to the Provisions before mentioned shall be vacated and made of no effect by the Judgment of the Commissioners of Stamps and Taxes, on due Proof before them by like Certificate of any such Assessment for the said Year, or of any Composition, under the said Acts, which respectively shall not have been certified to the Commissioners, Parties to any such Composition, nor comprised therein, unless it shall be proved to their Satisfaction respectively that the same has arisen by Error or Mistake; in which Cases the said Commissioners of Stamps and Taxes respectively may consent that a new Composition shall be entered into, to take effect from the Fifth Day of *April* One thousand eight hundred and thirty-five.

Compounders not liable to Penalty of Assessed Tax Acts, except Penalty for Concealment to evade Assessment of Duty.

XVIII. And be it enacted, That every Person compounding as aforesaid, or renewing any Composition under this Act, shall be freed and discharged from any Penalty or Penalties contained in the Acts relating to Assessed Taxes imposed on Persons for Nonperformance of any Matter or Thing required by the said Acts to be done by Persons chargeable to the Duties contained therein, during the Term herein limited, save and except that every such Person who in his Return made under the Acts relating to Assessed Taxes shall conceal any Servant, Carriage, Horse, or other Article herein enumerated, whereby he shall have escaped Assessment for such Servant, Carriage, Horse, or other Article aforesaid, for the Year ending the Fifth Day of *April* One thousand eight hundred and thirty-five, or who in any Statement, List, or Declaration to be delivered under this Act shall conceal any such Article, so that he shall not have caused the same to be comprised in his Composition under this Act, shall be liable to the like Penalty as if such Person had not compounded, and had continued liable to Assessment under the said Acts relating to Assessed Taxes.

Persons occupying Houses or keeping Articles compounded for by other Persons, or set up by other Persons under colour of the Composition, to be liable to Duty.

XIX. And be it enacted, That if any Person who shall not compound under this Act shall, after the Fifth Day of *April* One thousand eight hundred and thirty-five, retain or keep for his own Use any Article chargeable with any Duty under the Acts relating to Assessed Taxes, which hath been compounded for by any other Person, or which hath been set up, retained, used, employed, or kept by such other Person under his Composition, or under colour or pretence thereof, the same Article continuing to belong to the Person so compounding, and which hath not been compounded for by the Person so retaining, using, employing, or keeping the said Article chargeable as aforesaid, nor under his Composition, every such Person so retaining, using, employing, or keeping for his own Use any such Article as aforesaid shall be liable to an Assessment in respect of any such Article as aforesaid in like Manner and to the like Amount as if the same Article had belonged to him, and as if no Composition had been made by such other Person; and on due Proof before the Commissioners that the same hath been done with Intent to defraud the Revenue, every such Person shall be assessed in Treble the Amount of Duty payable as aforesaid.

Intent to defraud, Treble the Amount of Duty.

XX. And

Persons procuring a Contract to be entered into to a less Amount than ought to be included, the Contract to be void, and the Offender to forfeit 50*l.*

XX. And be it enacted, That if any Person shall by Fraud or Covin cause or procure the Assessment on which any Contract of Composition shall be entered into under this Act to be made on a lesser Amount of Duty than ought to be charged on him, or by any the Ways or Means in this Act mentioned shall cause or procure any Contract of Composition under this Act to be entered into, or any Contract of Composition entered into under the said former Acts or any of them to be renewed under this Act, on a lesser Amount of Duty than ought to be included in the Contract of Composition under this Act, every Contract so entered into or renewed under this Act shall be void and of no effect; and every Person so offending shall forfeit the Sum of Fifty Pounds, to be sued for, recovered, and applied as any Penalty contained in the Acts relating to Assessed Taxes may be sued for, recovered, and applied.

Persons having diminished their Establishment during their Residence out of Great Britain not entitled to compound.

XXI. And be it enacted, That no Composition for Assessed Taxes shall be entered into or renewed under this Act with any Person who shall have resided out of *Great Britain* before the passing of this Act for a temporary Purpose only, and who shall have ceased to be assessed to the said Duties, or shall have been assessed to a lesser Amount, during such his Residence out of *Great Britain*, and who shall be assessed to the said Duties on a lesser Amount than he was assessed before his Departure from *Great Britain* for the said Year ending the Fifth Day of *April* One thousand eight hundred and thirty-five, nor with any Person who shall be out of *Great Britain* at the Time of executing this Act.

In Cases of Sickness, Persons may sign their Contracts in the Presence of the Collector.

XXII. And be it enacted, That any Person residing within *Great Britain* may, in Cases of Sickness or Infirmity, or other reasonable Cause, with the Consent of the said respective Commissioners, execute such Contract in the Presence of the Collectors of Assessed Taxes, or One of them, acting for the Parish or Place where the Person compounding shall reside, any thing in the said former Acts or this Act to the contrary notwithstanding: Provided also, that every such Collector shall testify the Execution of such Contract by signing the same in the Presence of the Party so contracting: Provided also, that any Person duly assessed in *Great Britain* for the Year ending the Fifth Day of *April* One thousand eight hundred and thirty-five, and entitled to compound under this Act, but residing in *Ireland* at the Time of executing the Contract of his or her Composition by the respective Commissioners under this Act, may execute such Contract by his or her lawful Attorney duly constituted, the said Power of Attorney being first delivered to the said respective Commissioners for that Purpose, which Contract so executed shall be of the like Force and Effect as if the Party compounding had personally executed the same.

Compositions with Persons afterwards succeeding to Estates, and keeping larger Esta-

XXIII. And be it enacted, That every Composition entered into or renewed under this Act in respect of Servants, Carriages, Horses, or other Articles before enumerated, with any Person herein-after described, shall cease and determine at the respective Times herein-after mentioned; (that is to say,) if any Person who shall compound or renew any Composition under this Act shall afterwards come into Possession

blishments, to cease, with Power to compound on the Assessment.

Possession of any Estate, Real or Personal, or become entitled to the Rents or Profits of any Estate, Real or Personal, upon the Death of any Person, whether by Descent, Gift, or Settlement, or by virtue or in pursuance of any Devise or Legacy, or under the Statute for the Distribution of Estates of Intestates, and shall thereupon retain any Servants, Carriages, Horses, or other Articles aforesaid forming the Establishment of the Person so dying, or shall keep any other Servants, Carriages, Horses, or other Articles aforesaid of the same Description and chargeable to the like Duties by the said Acts relating to Assessed Taxes, in lieu and in the place of the like Articles kept by the Person so dying, or any Part thereof, or who at any Time after he shall come into the Possession of or be entitled unto the Rents or Profits of any such Estate by any the Means aforesaid, and during the Term herein limited for the Continuance of such Compositions as last aforesaid, begin to keep any greater Number of Servants, Carriages, Horses, or other Articles aforesaid than hath been compounded for by him, the Duties on which increased Number, according to the Acts relating to Assessed Taxes, amount unto One Fourth Part of the Amount of Duty so compounded for, then and in every such Case the Compositions entered into under this Act by any such Person herein-before described shall respectively cease and determine at the End of the Year of Assessment, according to the Acts relating to Assessed Taxes, in which any such Increase of his Establishment shall take place; also if any Person shall intermarry after entering into or renewing any Composition under this Act, and entered into by the Husband and Wife, or either of them, and the Husband shall by such Marriage come into the Possession or to the Use or Enjoyment of the Rents or Profits of any Estate, Real or Personal, belonging to his Wife before Marriage, whether upon such Marriage the Husband shall acquire any Interest in Law or Equity in such Estate or not, or whether the said Estate shall remain in or be vested to the sole Use of the Wife or not, in case the Husband shall upon such Marriage retain or keep any Servants, Carriages, Horses, or other Articles herein enumerated, kept by or belonging to his Wife before Marriage, or in case the Wife shall after such Marriage retain her former Establishment, or any Part thereof, or in case the Husband or Wife shall upon such Marriage begin to keep any other Servants, Carriages, Horses, or other Articles herein enumerated, of the same Description and chargeable to the like Duties by the said Acts relating to Assessed Taxes, in lieu and in the place of the Establishment of the Wife before Marriage or any Part thereof, or so that the separate Establishment of either Husband or Wife, or their joint Establishment, would have been assessable on the Husband if no Composition had been entered into or renewed, to an Amount of Duty exceeding One Fourth Part of such Composition, then and in every such Case the Composition entered into or renewed under this Act by any such Persons, or either of them, so intermarrying and keeping any such Establishment as aforesaid, shall cease and determine at the End of the Year of Assessment in which such increased Establishment shall begin to be kept; but nevertheless it shall be lawful for the respective Commissioners in every such Case, after such Person shall have made a *bonâ fide* Return of the greatest

greatest Number of Servants, Carriages, Horses, and other Articles of his or her Establishment charged with any Duty of Assessed Taxes, according to the Laws in force relating to the said Taxes, for the Year next after the Determination of such Composition, in order to an Assessment thereon for that Year, and who shall be duly assessed for that Year to his or her Assessed Taxes, to contract and enter into Composition *de novo* with any such Person for the Remainder of the Term then to come and unexpired on the Amount so assessed on him or her for that Year, together with the additional Duty hereby granted on the Amounts of other Assessments to be compounded for under this Act.

Commissioners and other Officers acting under the former Composition Acts to act in like Manner in the Execution of this Act.

XXIV. And be it enacted, That the several Persons who for the Time being shall be Commissioners for putting in execution the Acts relating to Assessed Taxes shall be Commissioners for putting in execution this Act, and the Powers herein referred to or contained, in all and every the respective Counties, Ridings, Divisions, Shires, and Stewartries, Cities, Boroughs, Cinque Ports, Towns, and Places in *Great Britain;* and the several Assessors, Collectors, Surveyors, Inspectors, and Inspectors General for the Time being, appointed or to be appointed to put into execution the said Acts, shall respectively be Assessors, Collectors, Surveyors, Inspectors, and Inspectors General to put in execution this Act within the Limits of their respective Divisions, Districts, and Places to which they are or shall be appointed; and the respective Commissioners and other Persons authorized by the said former Acts to contract and agree for such Compositions, or to do or perform any other Matter or Thing for carrying the said Acts into execution, shall severally and respectively contract and agree for the Compositions to be entered into or renewed under this Act, and shall do and perform all such other Matters and Things as are required to be done and performed in the Execution of this Act, within the Limits of their respective Jurisdictions; and all the Powers and Authorities given and granted to them by or under the said former Acts or any of them shall and they are hereby declared to be revived and continued, for and during the Term herein limited, in as ample and effectual Manner as if the same Powers and Authorities were expressly re-enacted by this Act, and shall severally be applied, construed, deemed, and taken to belong to this Act, as Part thereof, in like Manner as if the same had been herein expressly given, granted, and applied by this Act; and the said Commissioners and others before mentioned are hereby empowered and required to do and perform all Things necessary for putting this Act in execution in the like and in as full and ample a Manner as they or any of them are or were authorized to put in execution the said former Acts.

Provisions of former Acts to remain in force.

XXV. And be it enacted, That all and every the Provisions, Directions, Rules, Regulations, Methods, Clauses, Penalties, Matters, and Things contained in any former Act or Acts, and now in force, although expressly applied to the Compositions made or renewed under the said Acts or any of them, shall severally and respectively be construed and deemed to apply to the Compositions to be entered into or renewed under this Act, and (except where other Provisions, Directions,

Directions, Rules, Regulations, Methods, Clauses, Penalties, Matters, and Things are substituted in and by this Act,) shall severally and respectively be used and practised in ascertaining the Amount on which any Composition is to be made, and the additional Rate to be imposed thereon, and in doing and performing all other Matters and Things necessary for carrying this Act into execution, and shall be construed, deemed, and taken to belong to this Act, as Part thereof, and shall respectively be applied and enforced for the raising, levying, paying, and accounting for the Monies to arise under this Act, and for the Prevention and Punishment of Fraud, Imposition, and Evasion, in like Manner as if the same were severally repeated in and expressly applied to the Provisions of this Act; and where other Provisions, Directions, Rules, Regulations, Methods, Clauses, Penalties, Matters, or Things are substituted by this Act in lieu of any Provisions, Directions, Rules, Regulations, Methods, Clauses, Penalties, Matters, or Things contained in the said former Acts, the same respectively shall be construed, used, and applied in such Manner and to the like Effect in all respects as if the said former Acts and this Act had been incorporated, and as if this Act had expressly abrogated and made void the several Parts of the said former Acts in lieu whereof any Part or Parts of this Act are or is substituted.

Limitation of Time for executing the Powers of former Acts extended to this Act.

XXVI. And be it enacted, That where the said former Acts contain any Period or Limitation of Time for the doing or performing of any Act, Matter, or Thing therein required, the Powers and Authorities of the said Acts shall be used and practised for the doing and performing the like Acts, Matters, and Things required by this Act, observing therein the Period or Limitation of Time expressed in this Act.

Persons intending to compound to give Notice thereof, together with a Statement of the Articles of Composition.

XXVII. And be it enacted, That every Person who is hereby declared to be competent to compound under this Act, and shall be desirous so to do, shall, on or before the Fifth Day of *April* One thousand eight hundred and thirty-five in *England*, and on or before the Term of *Whitsunday* in the same Year in *Scotland*, deliver or cause to be delivered, free of Charge, to the Surveyor of the District acting for the Parish or Place where such Person shall reside, a Notice in Writing according to the Form in the Schedule to this Act annexed, declaring his Intention to take the Benefit of this Act, which Notice shall be signed, and bear Date on the Day of such Signature, by such Person (or by some authorized Agent on his Behalf, residing in such District, and declaring therein the Place of his Residence,) in the Presence of One or more of the Assessors or Collectors of the said Duties for the same Parish or Place where the Person intending to compound shall reside, or in the Presence of such Surveyor, who respectively shall attest such Signature by signing the same with his proper Name; and every such Notice shall contain the Number and Description of the Articles on which such Person shall intend to compound, which Notices shall be in the Form in the Schedule to this Act annexed; and all such Notices shall and may be retained in the Hands of the said Surveyors respectively until the Expiration of Two Calendar Months after Delivery thereof; and

every such Surveyor shall carefully and diligently inspect and examine every Assessment, and every Contract of Composition entered into under the said former Acts, relating to the Persons so applying respectively, and also the Notices delivered by such Persons under the said Acts to discontinue any increased Establishment set up under any such Contract, or any Part thereof, and after such Examination thereof every such Surveyor shall from Time to Time, within the said Period of Two Calendar Months, deliver the same to and therewith certify to the respective Commissioners authorized by this Act to contract for such Compositions for the Parishes or Places where such Applications shall have been made, either his Satisfaction with the Notices delivered in such Cases, or his Objection thereto, together with the particular Article or Articles omitted, and the Amount of Duty on which such Composition ought to be made; and no Composition shall be entered into or renewed in any of the Cases so objected to until a full and complete Return shall be made of every Article chargeable with Duty on which the Composition ought to be made under the Provisions of this Act; and every Composition entered into or renewed contrary to the Provisions of this Act shall be void and of no effect, and the Person entering into or renewing the same shall be liable to Assessment according to the Provisions of the Acts in force relating to Assessed Taxes, as if no Composition had been entered into or renewed, and to the Charge of the respective Surveyors to be made under the Authority and subject to the Provisions of the said last-mentioned Acts.

Errors or Mistakes in Compositions may be amended.

XXVIII. Provided always, and be it enacted, That in every Case where by any Error or Mistake the just Amount of Duty on which the Person compounding ought to compound, or the additional Rate thereon, shall not be duly inserted or calculated in the Contract of Composition, it shall be lawful for the Commissioners of Stamps and Taxes, by Certificate under the Hands of any Two or more of them directed to the Commissioners of the Division by whom such Composition was made, to cause the same to be amended, or a new Contract made and executed, in such Manner as may seem to them expedient to obviate such Error or Mistake, and conformable to the true Intent and Meaning of this Act; and the said respective Commissioners to whom such Certificate shall be directed shall cause the same to be amended accordingly.

The Monies arising by Compositions to be paid into the Consolidated Fund.

XXIX. And be it enacted, That all the Monies arising by Compositions entered into or renewed under the said former Acts or this Act (the necessary Charges of raising and accounting for the same excepted) shall from Time to Time be paid into the Receipt of His Majesty's Exchequer at *Westminster*, to the Account of Assessed Taxes in *Great Britain*, and shall be carried to and made Part of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*.

Construction of Words.

XXX. And be it enacted, That the Word "Horse" or "Horses," wherever the same occurs in this Act, shall respectively be construed to mean and include any Mare or Gelding or Mares or Geldings, as

well as any Horse or Horses; and that wherever in this Act any Word is used importing the Singular Number or Masculine Gender only, yet such Word importing the Singular Number shall be construed to extend and be applied to several Persons or Things as well as to One Person or Thing, and such Word importing the Masculine Gender shall be construed to extend and be applied to Females as well as Males, unless in the several Cases aforesaid, or any of them, it be otherwise specially provided, or there be something in the Subject or Context repugnant to such Constructions.

Schedule annexed to be deemed Part of Act. How Form shall be used.

XXXI. And be it enacted, That the Schedule hereunto annexed shall be deemed a Part of this Act, as if the same had been inserted herein under a special Enactment: Provided always, that it shall be lawful for the Commissioners of this Act to use the said Form, as well where the Composition shall comprise all the Duties therein mentioned, or a Part or Parts thereof only, striking out all such Part or Parts thereof as may not relate to the Duties not intended to be included therein.

The

The SCHEDULE to which this Act refers.

No. 1.

Notice to be used by Persons desirous of compounding for their Assessed Taxes.

To Surveyor acting for the Parish of in the Division of in the County of and to the Commissioners acting for the said Division.

Take Notice, That I am desirous of compounding for Assessed Taxes under the Powers, Conditions, and Provisions of an Act passed in the Fifth Year of the Reign of King William the Fourth on my Establishment in the said of ; the Particulars of which are as follows; viz[t].

Establishment.		Number.
Servants - - - - -	Schedule C. N° I.	
Four-wheel Carriages - - -	Schedule D. N° I.	
Two-wheel Carriages - - - -	Schedule D. N° II.	
Horses for Riding - - - -	Schedule E. N° I.	
Race Horses - - - - -	Schedule E. N° III.	
Dogs - - - - -	Schedule G.	
Hair Powder - - - -	Schedule I.	
Armorial Bearings - - - -	Schedule K.	

And that I will attend to execute and receive the Contract of my Composition when required by the Commissioners.

Signed the Day of 183 .

Witness

Assessor or Collector of the above-named Parish.

No. 2.

Notice to be used by Persons desirous of renewing their former Composition.

To the Commissioners acting for the Division of in the County of .

Take Notice, That I am desirous of renewing my former Compositions for my Assessed Taxes, under the Powers, Conditions, and Provisions of an Act passed in the Fifth Year of the Reign of King William the Fourth, and that I will attend to execute and receive the Contract of my Composition when required by you.

The

The following is a true and complete List of the Establishment kept by me in the Year commencing from the 5th Day of April 1834.

Establishment.		Number.
Servants - - - - -	Schedule C. N° 1.	
Four-wheel Carriages - - - -	Schedule D. N° 1.	
Two-wheel Carriages - - - -	Schedule D. N° 2.	
Horses for riding - - - -	Schedule E. N° 1.	
Race Horses - - - -	Schedule E. N° 3.	
Dogs - - - - -	Schedule G.	
Hair Powder - - - -	Schedule I.	
Armorial Bearings - - - -	Schedule K.	

Signed the Day of 183 .

Witness

Assessor or Collector of the Parish of .

No. 3.

Notice to be used by Persons entitled to compound on a lesser Establishment than is comprised in their former Composition.

To Surveyor acting for the Parish of in the Division of in the County of and to the Commissioners acting for the said Division.

Take Notice, That I have, before the Sixth Day of April 1834, laid down Part of my Establishment on which I have compounded, enumerated in the following Schedules, and I am desirous of compounding for the reduced Establishment now kept by me, and on which I have compounded, also enumerated in the said Schedule.

Establishment laid down since the former Composition.

		N° ceased to keep before the 6th April 1834.	Retained and now kept.
Servants - - -	Schedule C. N° I.		
Four-wheel Carriages - -	Schedule D. N° I.		
Two-wheel Carriages - -	Schedule D. N° II.		
Horses for Riding - -	Schedule E. N° I.		
Race Horses - - - -	Schedule E. N° III.		
Dogs - - - -	Schedule G.		
Hair Powder - - -	Schedule I.		
Armorial Bearings - -	Schedule K.		

And that I will attend to execute and receive the Contract of my Composition when required by the Commissioners.

Signed the Day of 183

Witness

Assessor or Collector of the above-named Parish.

Form of renewed Contract of Composition for Assessed Taxes.

ESTABLISHMENT.	Amount of Duties.
Nos	Schedules
Servants - -	C. N° I.
Four-wheel Carriages	D. N° I.
Two-wheel Carriages	D. N° II.
Horses for riding -	E. N° I.
Race Horses - -	E. N° III.
Dogs - - -	G.
Hair Powder -	I.
Armorial Bearings -	K.
Composition Duty of £5 per Centum, under Act of 59 Geo. 3. c. 51. - - - - -	
The like, under Act 1 & 2 Geo. 4. c. 113. - - - - -	
Total Amount of Duties -	
Composition Duty of £ per Centum, by 5th Will. 4. - -	
Total Amount of Composition	

Know all Men, That we, Two of the Commissioners acting in the Execution of the Acts in relation to Assessed Taxes for the Division of in the County of have contracted and agreed with A.B. of in the said Division, in pursuance of an Act passed in the Fifth Year of the Reign of King William the Fourth, for the Renewal of the Composition of Assessed Taxes, as stated in the Margin hereof; namely,

Upon Servants, Horses, and other Articles of Establishment, on the Amount expressed therein, together with the additional Rate granted by the said Act.

Which several Amounts are to be paid to the Collectors of the said Parish by Two Instalments; vizt.

1st Instalment on or before the Tenth Day of October.

2d Instalment on or before the Fifth Day of April.

And so yearly during the Term of Five Years from the Fifth Day of April 1835 mentioned in the said Act.

The Condition of the above Composition is, That the above-named shall duly pay or cause to be paid to the Collectors for the said or One of them, on or before the Days above mentioned, upon Demand, the yearly Sum of by Two Instalments, in even Portions, taking their or his Receipt in Writing for the same; otherwise the said Composition shall be levied of the Goods and Chattels of the said or sued for and recovered by any of the Ways and Means by which the Monies due on Assessments may be sued for and recovered.

Witness
Clerk. } Commissioners of the within Division.

Witness
Clerk. } The Party hereto.

N.B.—With the Consent of the Commissioners the Collector of the Parish may witness the Signature of the Party to the Contract.

Form of Contract of Compositions under the Act of the Fifth William the Fourth.

ESTABLISHMENT.		Amount of Duties.
Nos	Schedules	
Servants - -	C. N° I.	
Four-wheel Carriages	D. N° I.	
Two-wheel Carriages	D. N° II.	
Horses for riding -	E. N° I.	
Race Horses - -	E. N° III.	
Dogs - - -	G.	
Hair Powder -	I.	
Armorial Bearings -	K.	
Total Amount of Duties -		
Composition Duty of £5 per Centum - - - - - -		
Total Amount of Composition		

Know all Men, That we, Two of the Commissioners acting in the Execution of the Acts in relation to Assessed Taxes for the Division of in the County of have contracted and agreed with of in the said Division, in pursuance of an Act passed in the Fifth Year of King William the Fourth, for the Composition of Assessed Taxes, as stated in the Margin hereof, and additional Rate.

Which several Amounts are to be paid to the Collectors of the said by Two Instalments; vizt.

1st Instalment on or before the Tenth Day of October.

2^{d} Instalment on or before the Fifth Day of April.

And so yearly during the Term of Five Years from the Fifth Day of April 1835 mentioned in the said Act.

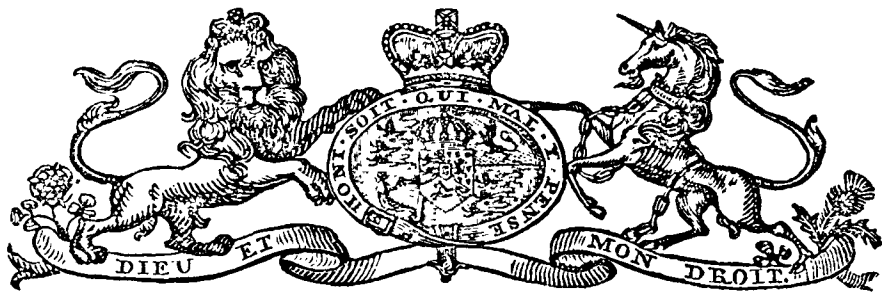
The Condition of the above Composition is, That the above-named shall duly pay or cause to be paid to the Collectors for the said or One of them, on or before the Days above mentioned, upon Demand, the yearly Sum of by Two Instalments, in even Portions, taking their or his Receipt in Writing for the same; otherwise the said Composition shall be levied of the Goods and Chattels of the said or sued for and recovered by any of the Ways and Means by which the Monies due on Assessments may be sued for and recovered.

Witness
Clerk. } Commissioners of the within Division.

Witness
Clerk. } The Party hereto.

N.B.—With the Consent of the Commissioners the Collector of the Parish may witness the Signature of the Party to the Contract.

LONDON: Printed by George Eyre and Andrew Spottiswoode,
Printers to the King's most Excellent Majesty. 1834.



ANNO QUARTO & QUINTO

GULIELMI IV. REGIS.

****

CAP. LV.

An Act to amend Three Acts, made respectively in the Seventh Year of the Reign of His late Majesty King *George* the Fourth, and in the First and Second Years and in the Second and Third Years of the Reign of His present Majesty, for the uniform Valuation of Lands and Tenements in the several Baronies, Parishes, and other Divisions of Counties in *Ireland;* and to provide for the more effectual Levy of Grand Jury Cess. [13th *August* 1834.]

WHEREAS an Act was passed in the Seventh Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to make Provision for the uniform Valuation of Lands and Tenements in the several Baronies, Parishes, and other Divisions of Counties in* Ireland, *for the Purpose of the more equally levying of the Rates and Charges upon such Baronies, Parishes, and Divisions respectively;* and the said Act was amended by Two Acts passed respectively in the First and Second Years and in the Second and Third Years of the Reign of His present Majesty: And whereas it is expedient, for the Acceleration of the said Valuation, and for other Purposes, that the said Act should be further amended: Be it therefore enacted by the King's most Excellent Majesty, by

and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall and may be lawful for the Commissioner of Valuation appointed in or for any County or Counties under the Provisions of the said recited Acts to nominate and appoint such Number of Persons to be Valuators for each such County as the Lord Lieutenant or other Chief Governor or Governors of *Ireland* shall from Time to Time fix and appoint; any thing in the said recited Acts limiting the Number of Persons so to be appointed to the contrary hereof notwithstanding.

Commissioner of Valuation may appoint such Number of Valuators as the Lord Lieutenant shall fix and determine.

II. And be it enacted, That where an Appeal shall have been made to any Committee of Appeal, under the Provisions of the said recited Acts, by or on behalf of any Parish, or the Owners or Occupiers of Land within any Townland of any Parish, against the Valuation or any Part of the Valuation of the same, or of any other Parish or Townland or Townlands within the same Barony, and it shall appear to such Committee of Appeal that just Cause has been shown to warrant such Committee to direct that a new Valuation shall be made of any such Parish or Parishes, Townland or Townlands, in respect of or on behalf whereof such Appeal may have been made, then and in such Case it shall and may be lawful for the said Committee of Appeal, with the Consent of the Commissioner of Valuation for such County, or of his Assessor, to direct that a new Valuation shall in like Manner be made of any other Parish or Parishes, Townland or Townlands, within the same Barony, the Valuation whereof shall appear to the said Committee to have been defective or erroneous in the same respects, or to which the same Ground of Appeal may appear justly applicable, although no such Appeal shall have been made in respect of or on behalf of such other Parish or Parishes, Townland or Townlands.

Committee of Appeal may, in certain Cases, direct a new Valuation to be made, although no Appeal shall have been lodged in respect thereof.

III. And be it further enacted, That when and as the Valuation of each or any Barony within each County shall have been made by such Valuators, and transmitted to the Commissioner of Valuation for such County, and decided on by the Committee of Appeal appointed under the Provisions of the said recited Act of the Seventh Year of the Reign of His late Majesty, the said Commissioner of Valuation shall prepare and make out, in the Form of the Schedule to this Act annexed, a List or Table of the several Parishes within such Barony, and of the several Townlands or other Sub-denominations or Divisions of Land within each such Parish, distinguishing the Number of Acres contained in every such Parish and Townland or other Sub-denomination or Division as aforesaid, and the Value of the Land and Houses in each such Parish or Townland, or other Sub-denomination or Division respectively, according to the Survey and Valuation thereof so decided upon; and each such List or Table shall be signed by the said Commissioner of Valuation and Three Members of the said Committee of Appeal, and shall be transmitted, so signed, to the Office of the Chief Secretary of the said Lord Lieutenant or other Chief Governor or Governors of *Ireland;* and thereupon it shall and may be lawful for such Lord Lieutenant or other Chief Governor or Governors, if he or they shall so think fit,

When the Valuation of any Barony has been made and decided on, a List of the several Parishes and the Divisions of Land within them shall be prepared and published.

to direct such List and Valuation, so signed as aforesaid, to be published in the *Dublin Gazette;* and from and after the End of the Assizes next ensuing the Day of such Publication, and until the End of the Assizes next ensuing the Day on which the List and Valuation of all the Baronies within the same County, as completed and finally agreed on by the Committee of Revision appointed under the Provisions of the said recited Acts, shall have been published in the said *Dublin Gazette* in the Manner and Form by the said recited Acts prescribed, but no longer, all Grand Jury Rates, and the usual and accustomed Proportion of all County Cess Charges whatsoever, imposed or to be imposed on such Barony by Presentments of the Grand Jury, or to be raised off such Barony, or any Parish and Division thereof, and all Parish Rates imposed or to be imposed or levied off any Parish or Townland or other Sub-denomination or Division of such Barony, under the Authority of any Law or Statute, shall be assessed and levied off such Barony, and off every Parish, Townland, or other Sub-denomination or Division therein, according to the Proportions specified in such List and Valuation so to be signed by the Commissioner of Valuation and Three Members of the Committee of Appeal, and published as herein-before directed.

During the Period herein described all County Cess, &c. shall be levied according to the Proportions therein specified;

IV. Provided always, and be it enacted, That the Publication of the List and Valuation of any Barony under the Provisions of this Act shall not alter or affect the relative Proportion of County Cess or Charges which by any Laws or Usage may be or have been borne by such Barony as compared with any other Barony or Baronies.

but not to affect the relative Proportion borne by such Barony.

V. And whereas it is enacted by the said recited Act of the Seventh Year of the Reign of His late Majesty, that in case it shall happen that any Committee of Revision shall alter the Amount of the Valuation of any Barony, as compared with another Barony, either by increasing or diminishing such Amount, such Alteration in the Valuation of any Barony shall not affect the proportionate Valuations of the several Parishes or Townlands within such Barony with respect to each other, but that the Valuation of each and every such Parish and Townland respectively shall be altered so that each may bear to each the same relative Proportion as was originally fixed, or as was confirmed or allowed by the Committee of Appeal: And whereas it may happen that the Amount of a Valuation of a Barony may be altered by the said Committee of Revision on a Principle or for a Cause applicable to One or more Divisions of such Barony, and not to all Divisions of such Barony; and it is therefore necessary that Power should be given to such Committee to direct the Increase or Diminution of the Valuation of any Sub-denomination or Division of a Barony as well as of the whole Barony; be it therefore enacted, That the herein-before recited Provision of the said Act of the Seventh Year of the Reign of His late Majesty shall be and the same is hereby repealed.

Repealing so much of recited Act as authorizes the altering of the Amount of Valuation of any Barony as compared with another Barony.

VI. And be it enacted, That whensoever any such Committee of Revision shall think fit to alter the Amount of the Valuation of any Barony as compared with any other Barony it shall and may be lawful for them to alter the Amount of the Valuation of any Parish or Parishes,

Committee of Revision may alter the Valuation of any Division of a Barony,

as well as of the whole Barony.

Parishes, Townland or Townlands, or other Division of such Barony, and the Proportion originally fixed or confirmed or allowed by the Committee of Appeal of such Barony between the several Parishes and Townlands of such Barony, in such Manner and to such Extent as the said Committee shall think just with regard to the Reason or Principle on which the gross Amount of the Valuation of such Barony may have been altered by them.

Fractions of a Pound may be rejected from the Valuation of the whole Barony, &c.

VII. And be it enacted, That all fractional Parts of a Pound Sterling may be rejected from the total Value of any Barony, Parish, Manor, or other Denomination as stated in any List and Valuation prepared under Authority of the said recited Acts or this Act, for the Purpose of computing the Proportions in which the same shall be respectively rated.

When Valuation of Barony is completed, Commissioner to lodge a Copy of Field Book and a Field Map in Office of Treasurer of County, for public Inspection.

VIII. And whereas it is desirable that the said Valuation should be made available to the Purpose of Applotment, as well as to ascertain the Proportions in which Grand Jury Cess and Parish Rates shall be assessed upon the several Divisions and Subdivisions of each County; be it therefore enacted, That when and so soon as the Valuation of all the Parishes within any Barony shall be completed the Commissioners of Valuation shall make out a Copy of the Field Book of each Parish, and shall make out a Field Map, showing the several Portions of Land which may have been separately valued, and distinguishing and numbering the same so as to correspond with the said Field Book; and the said Commissioners shall deliver such Copies of the Field Book and Maps, attested by his Signature, to the Treasurer of the County, who shall keep the same in his Office, there to remain open to public Inspection; and any Owner or Occupier of Land within such Parish shall be at liberty to make Copies thereof or Extracts therefrom without Fee or Reward.

Treasurer to furnish Copies of Field Books and Maps to Persons requiring same for Applotment of Grand Jury Cess.

IX. And be it enacted, That every such Treasurer shall furnish Copies of such Field Books, as and when the Valuation therein contained shall have been confirmed or amended and finally agreed on by the said Committees of Appeal and Revision respectively of such County, in manner by the said recited Acts or by this Act provided, and of such Field Maps, marked and numbered to correspond with such Field Books, to any Person or Persons requiring the same for the Applotment of Grand Jury Cess; and such Copies shall be prepared under such Regulations as the Grand Jury of such County shall fix and determine, and they shall present, to be raised off the Townland or other Denomination of Land to which such Copies shall relate, the Expence of making the same.

Not to affect Provisions of recited Acts with respect to Publication of List when Valuation of all the Baronies within any

X. Provided always, and be it enacted, That when and so soon as the Valuation of all the Baronies within any County shall have been completed, and that the List of the said several Baronies and the Valuation thereof shall have been confirmed or amended, and finally agreed on by the Committee of Revision of such County, the same shall be signed, dealt with, and published in manner and form by the said recited Acts prescribed, and nothing in this Act contained shall, save as respects the additional Power which the Committee of Revision

Revision may exercise under the Provision herein-before made, extend to, vary, or affect the Proceedings by the said recited Acts directed in respect of such general Valuation of all the Baronies within any County, and the List thereof, when published in manner by such Acts directed, shall have all such Force and Effect as the same would have had if this Act had not been made.

County shall have been completed.

XI. And be it enacted, That at the Second Assizes next ensuing the Publication of such List and Valuation of all the Baronies of each County the Grand Jury shall nominate and appoint a Time for the Re-assembly of the Committee of Revision of such County, and the Secretary of the Grand Jury shall give Notice of the Time appointed for such Re-assembly of the Committee of Revision in like Manner as the Clerk of the Peace is by the said recited Act required to give Notice of the First Meeting of such Committee, and at the Time so appointed the Members of such Committee of Revision, together with the Commissioner of Valuation or his Assessor, shall meet in the Court-house of such County, and shall there and then inquire into and determine all such Complaints as shall be made against the said Valuation, or any Part thereof; and it shall be lawful for the said Committee to revise and amend such Valuation as to them may seem just, or to direct a new Valuation when the same shall appear necessary, and to adjourn from Time to Time; and the Valuation, as finally amended, revised, and settled by such Committee, shall be in the Place and Stead of the former Valuation so published in the *Dublin Gazette*, and of like Force and Effect: Provided always, that Notice in Writing of any Complaint which it is intended to prefer to the said Committee so re-assembled shall be given to the Commissioner of Valuation of such County, or some Member of the said Committee, at least Thirty-one Days before the Time appointed for the re-assembling of such Committee, and that such Notice shall be subscribed by at least Two Persons each paying Grand Jury Cess to the Amount of Forty Shillings, or by at least Two Persons having each a Freehold or Leasehold Estate in Lands or Tenements of the annual Value of Twenty Pounds or upwards, and situate in such County, County of a City, or County of a Town.

At Second Assizes next after Publication of such List and Valuation, Grand Jury to fix a Time for Re-assembly of Committee of Revision to finally amend and settle Valuations.

Notice of Complaints intended to be preferred thereat to be given by Two Persons at least 31 Days previously.

XII. And whereas it is expedient, for the more complete Uniformity of the said Valuation, that the same should be carried on under the Control and Direction of a single Commissioner of Valuation, and the Salary of Five hundred Pounds *per Annum* authorized by the said recited Act of the Seventh Year of His late Majesty's Reign to be paid to each such Commissioner is an insufficient Remuneration for a Person appointed to act as such Commissioner in many Counties; be it therefore enacted, That, in addition to the said Salary of Five hundred Pounds *per Annum*, it shall and may be lawful for the said Lord Lieutenant or other Chief Governor or Governors of *Ireland* to order and direct such Allowance for travelling and other Expences, not exceeding One Guinea *per* Day for every Day during which such Commissioner shall be engaged in the Business of such Valuation, as to the said Lord Lieutenant or other Chief Governor or Governors shall seem proper; and such Salary and Allowance shall be advanced out of the Consolidated Fund, and levied and repaid by Grand Jury

Lord Lieutenant may order an Allowance for travelling Expences to Commissioner of Valuation, in addition to his Salary.

Presentments on and off the several Counties in which such Commissioner of Valuation shall be employed, in such Proportions as the said Lord Lieutenant or other Chief Governor or Governors shall think fit to direct, with regard to the Period of his Employment in each such County respectively; and all and every the Provisions of the said recited Acts directing and authorizing the Advance of Money for the Purposes thereof, and the Presentment and Levy of such Monies off the several Counties liable thereto, shall apply and extend to direct and authorize the Advance, Presentment, and Levy of the Monies required to defray such Allowances.

Treasurer's Warrants to remain in force until Sums thereby required to be levied shall be received or re-presented.

XIII. And whereas Doubts have arisen whether the Warrants of the Treasurers of Counties in *Ireland* issued for the levying of Money presented by Grand Juries at each Assizes remain in force beyond the Second Day of the next succeeding Assizes; for Removal of which Doubts, be it enacted, That every such Warrant of every such Treasurer shall be and remain in full Force and Effect for the Term of Two Years next after the Date thereof, unless the Sums required by such Warrant to be levied shall have been received, or unless the Grand Jury of the County shall have re-presented the same.

The Word "Barony."

XIV. And be it enacted, That wherever the Word "Barony" occurs in this Act the Provision shall extend to a Half Barony.

How Grand Jury Cess shall be collected.

XV. And whereas it is expedient that the Mode of collecting and levying Grand Jury Cess should be amended, be it therefore enacted, That whenever any Person duly authorized to collect and levy any Money to be raised pursuant to Grand Jury Presentment off any Barony or Half Barony, or County of a City or Town, shall have received the Applotment of such Money, he shall collect and levy the same according to such Applotment, and also any Sum of Money not exceeding Five Shillings, in lieu of any Sum heretofore authorized to be levied by any Act now in force for the Applotter's Fees; and all such Money may be levied by Distress and Sale of any Goods and Chattels of every Person refusing to pay the Proportion therein applotted for him or her to pay which may be found on the Premises chargeable, rendering to the Owner the Overplus, if any, after deducting the Expences of distraining, not exceeding Twelve-pence in the Pound on the Sum for which such Distress may have been made; and if no sufficient Distress be found on the Premises chargeable, then and in such Case such Collector shall leave at the Dwelling House of the Party chargeable for or in respect of such Premises, if such Person reside within the same County, County of a City or Town, a Notice bearing Date the Day and Year of serving the same, subscribed with the Name and Abode of such Collector, requiring Payment of the Sum applotted within Six Days from the Date of such Notice, and expressing that within Six Days the Money demanded may be paid to the Collector at his House or Office; and if such Money be not so paid within such Time, then it shall be lawful for such Collector to prefer a Complaint to any Justice of the Peace for the same County, County of a City or Town; and such Justice shall summon the Party so complained against to appear before him, and answer the said Complaint, and shall at the Time specified in such

such Summons examine into the Matter of such Complaint on Oath (which Oath the Justice is hereby empowered to administer), and shall direct the Payment to such Collector of such Money as he shall find due and payable under such Applotment by the Party complained against, together with a Sum certain as and for such reasonable Costs and Charges as to such Justice shall seem meet; and in default of the Appearance of such Party, or upon his or her Refusal or Neglect forthwith to pay the Sum or Sums so by such Justice directed to be paid, it shall and may be lawful for such Justice, or for any Justice of the Peace for such County, County of a City or Town, to issue his Warrant, authorizing and empowering the said Collector to levy the Money thereby ordered to be paid by Distress and Sale of any Goods or Chattels of the Party so complained against which may be found within any Part of such County, County of a City or Town, rendering the Overplus, if any, to him or her, the necessary Charges and Expences of distraining being thereout first deducted, as directed by such Justice; and if sufficient Distress cannot be found within the same County, County of a City or Town, then, on Oath thereof made before any Justice of the Peace of any other County, County of a City or Town, in which any of the Goods and Chattels of such Party shall be found, (which Oath such Justice shall administer, and certify by indorsing in his Handwriting his Name on the Warrant granted to make such Distress,) the Goods or Chattels of such Party so refusing or neglecting to pay as aforesaid shall be subject and liable to such Distress and Sale in such other County, County of a City or Town, where the same may be found, and may by virtue of such Warrant and Certificate be distrained and sold in the same Manner as if the same had been found within such first-mentioned County, County of a City or Town.

SCHEDULE to which this Act refers.

VALUATION of LANDS, et cetera, within the several Parishes and Townlands in the said Barony, made in pursuance of this Act.

	Acres.	Annual Value of Lands, et cetera.	Total in each Parish.	
			Acres.	Value.
Parish of A.:		£		£
Townland D. - -	250	120		
— E. - -	100	100		
— F. - -	50	25		
Total in the Parish of A.			400	245
Parish of G.:				
Townland H. - -	60	100		
— I. - -	47	37		
— K. - -	160	240		
Total in the Parish of *G.*			267	377
Total in Barony - -			667	622

C. D.
Commissioner of Valuation for the County of C.

E. F., *G. H.*, *I. K.* } Members of the Committee of Appeal for the said County.

Day of 18 .

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ANNO QUARTO & QUINTO

GULIELMI IV. REGIS.

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CAP. LVI.

An Act to continue for One Year, and from thence to the End of the then next Session of Parliament, the Acts for the Relief of Insolvent Debtors in *Ireland*. [13th *August* 1834.]

WHEREAS an Act was passed in the Session of Parliament holden in the First and Second Years of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for the Relief of Insolvent Debtors in* Ireland, to continue in force for a certain Time therein limited; and the said Act was amended by another Act passed in the Third Year of the same Reign; and both the said Acts were continued by another Act made in the Seventh and Eighth Years of the same Reign: And whereas another Act was made in the Tenth Year of the same Reign, whereby the said recited Acts of the First and Second and Third Years of the same Reign were amended and further continued; and the same, so amended, were by an Act made in the First Year of His present Majesty's Reign further continued; and the same, so amended, were by another Act made in the Second Year of His present Majesty's Reign further continued until the End of this present Session of Parliament: And whereas by an Act made in the First and Second Years of the Reign of His present Majesty, intituled *An Act to improve the Administration of Justice in* Ireland, certain Provisions of the said recited Act of the First and Second Years of the Reign of His late Majesty were repealed

1 & 2 G. 4. c. 59.

1 & 2 W. 4. c. 31.

pealed, and certain other Provisions were made, and certain Persons declared, in certain Cases therein specified, to be entitled to the Benefit of the Acts for the Relief of Insolvent Debtors in *Ireland*: And whereas it is expedient that the said Acts for the Relief of Insolvent Debtors should be further continued: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same,

Recited Acts continued in force for One Year.

That the said recited Act of the First and Second Years of the Reign of His late Majesty, as the same is amended by the said recited Acts of the Third and Tenth Years of the same Reign, and save and except as any Provisions thereof may be repealed, or other Provisions substituted therefor, by the said recited Act of the First and Second Years of His present Majesty's Reign, shall be continued; and the said recited Acts of the First and Second, Third, and Tenth Years of the Reign of His late Majesty, and such Parts of the said recited Act of the First and Second Year of the Reign of His present Majesty as relates to the Law for the Relief of Insolvent Debtors, shall be and the same are hereby continued accordingly for One Year from the passing of this Act, and until the End of the then next Session of Parliament.

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ANNO QUARTO & QUINTO

GULIELMI IV. REGIS.

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CAP. LVII.

An Act to repeal the Stamp Duties on Almanacks and Directories, and to give other Relief with relation to the Stamp Duties in *Great Britain* and *Ireland* respectively. [13th *August* 1834.]

WHEREAS it is expedient to repeal the Stamp Duties now payable in *Great Britain* and *Ireland* respectively upon Almanacks or Calendars, and also the Stamp Duty now payable in *Ireland* upon any *Dublin* Directory: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act all Stamp Duties now payable in *Great Britain* and *Ireland* respectively for or upon any Almanack or Calendar, or any Book or Pamphlet serving the Purpose of an Almanack or Calendar, and also the Stamp Duty now payable in *Ireland* for or upon any *Dublin* Directory, shall respectively cease and determine, and be no longer paid or payable, save and except so much and such Part and Parts of the said Duties respectively as have become due or payable, and now remain in arrear or unpaid, all which shall be recoverable by the same Ways and Means, and with such and the same Penalties, as if this Act had not been made.

Stamp Duties on Almanacks or Calendars, and on Dublin Directories, repealed, except as to Arrears.

II. And be it enacted, That it shall be lawful for all Persons having in their Possession any Stamps intended for Almanacks or Calendars or *Dublin* Directories, and which shall be rendered useless or unnecessary

Stamps intended for Almanacks or Direc-

tories, and rendered useless by the Operations of this Act, to be cancelled and the Value thereof allowed.

cessary by the Operation of this Act, to send the same to the Head Office for Stamps in *Westminster*, *Edinburgh*, or *Dublin*, at any Time within Six Calendar Months next after the passing of this Act; and it shall be lawful for the Commissioners of Stamps and Taxes to cause the said Stamps to be cancelled, and to deliver out other Stamps in lieu thereof, or at their Discretion to refund and repay the Amount or Value of the Stamps so cancelled, out of any Monies in the Hands of the Receiver General of Stamp Duties in *Great Britain* or *Ireland* respectively, deducting from the said Amount or Value so to be repaid in Money the Discount or Allowance of One Pound Ten Shillings for every One hundred Pounds, and at and after that Rate for any greater or less Sum than One hundred Pounds of the said Amount or Value, but not including any fractional Part of a Penny.

2 & 3 W. 4. c. 88.

III. And whereas Persons claiming to be registered as Voters at the Election of Members to serve in Parliament for any County, City, Town, or Borough in *Ireland* under an Act passed in the Second and Third Years of the Reign of His present Majesty, intituled *An Act to amend the Representation of the People of* Ireland, are required to take and subscribe such Oath or Affidavit as in the said Act is mentioned, and it is expedient to exempt the same from Stamp Duty; be it therefore enacted, That no Oath, Affidavit, or Affirmation made, subscribed, or taken, or hereafter to be made, subscribed, or taken, by any Person or Persons for the Purpose of registering himself or themselves as a Voter or Voters under or in pursuance of the said recited Act, shall be charged or chargeable with any Stamp Duty, any thing in any Act or Acts to the contrary in anywise notwithstanding.

Affidavits made on registering Voters in Ireland exempted from Stamp Duty.

Recital of 3 & 4 W. 4. c. 97. s. 18.

IV. And whereas by an Act passed in the last Session of Parliament, intituled *An Act to prevent the selling and uttering of forged Stamps, and to exempt from Stamp Duty artificial Mineral Waters in* Great Britain, *and to allow a Drawback on the Exportation of Gold and Silver Plate manufactured in* Ireland, it is enacted, that whenever the Commissioners of Stamps shall discontinue the Use of any Die or Dies, and shall provide any new Die or Dies to be used in lieu thereof, and shall give public Notice thereof by Advertisement in the Manner directed by the said last-recited Act, it shall be lawful for all Persons who shall have in their Custody or Possession any Vellum, Parchment, or Paper stamped or marked with any Die or Dies in lieu of which any such new Die or Dies shall have been provided, and which Vellum, Parchment, or Paper shall, by reason of the providing of such new Die or Dies, be rendered useless or inapplicable for the Purposes for which the same was originally designed, to send the same to the Head Office for Stamps in *Westminster* or *Edinburgh* at any Time within Three Calendar Months next after the Day so fixed and appointed by such Advertisement as aforesaid; and it shall be lawful for the said Commissioners, or for any Officer of Stamp Duties duly authorized in that Behalf, to cause the Stamp or Stamps upon such Vellum, Parchment, or Paper to be cancelled, and such Vellum, Parchment, or Paper, or (if the said Commissioners or such Officer shall think fit) any other Vellum, Parchment, or Paper, to be duly stamped or marked with such new Die or Dies in lieu of and to an equal Amount with the Stamp or Stamps so cancelled:

And

And whereas the said Commissioners of Stamps having discontinued the Use of certain Dies heretofore provided and used for denoting the Stamp Duties payable on Bills of Exchange, Promissory Notes, and Receipts, and having provided other Dies to be used in lieu thereof, did give Notice thereof by Advertisement in the Manner directed by the said last-recited Act, and divers Persons who have in their Custody or Possession stamped Vellum, Parchment, and Paper rendered useless or inapplicable by reason of the providing of such new Dies, have neglected to send the same to the said Head Office for Stamps within the Time limited for that Purpose by the said Act and by such Advertisement as aforesaid, and it is expedient to give Relief to such Persons; be it therefore enacted, That it shall be lawful for the Commissioners of Stamps and Taxes, or any Officer duly authorized in that Behalf, to exchange or restamp all such stamped Vellum, Parchment, and Paper so rendered useless or inapplicable as aforesaid, or, in the Discretion of the said Commissioners, to refund and repay the Amount of the Stamp Duty thereon in the Manner directed by the said last-recited Act, provided Application shall be made to them respectively for that Purpose within the Space of Six Calendar Months next after the passing of this Act.

Relief granted to Persons who have neglected to send Vellum, Parchment, &c. to be restamped.

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ANNO QUARTO & QUINTO

GULIELMI IV. REGIS.

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CAP. LVIII.

An Act for raising the Sum of Fourteen millions three hundred and eighty-four thousand seven hundred Pounds by Exchequer Bills, for the Service of the Year One thousand eight hundred and thirty-four. [13th *August* 1834.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal Subjects, the Commons of the United Kingdom of *Great Britain* and *Ireland*, in Parliament assembled, towards raising the necessary Supplies which we have cheerfully granted to Your Majesty in this Session of Parliament, have resolved to give and grant unto Your Majesty the Sum herein-after mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for the Commissioners of His Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland* at any Time or Times to cause or direct any Number of Exchequer Bills to be made out at the Receipt of the Exchequer at *Westminster* for any Sum or Sums of Money not exceeding in the whole the Sum of Fourteen millions three hundred and eighty-four thousand seven hundred Pounds, in the same or like Manner, Form, and Order, and according to the same or like Rules and Directions, as are prescribed in an Act passed in the Forty-eighth Year of the Reign of His Majesty King *George* the Third, intituled *An Act for regulating the Issue and paying off of Exchequer Bills.*

The Treasury may raise 14,384,700*l.* by Exchequer Bills, in like Manner as is prescribed by 48 G. 3. c. 1.

The Clauses, &c. in recited Act extended to this Act.

II. And be it further enacted, That all and every the Clauses, Provisoes, Powers, Privileges, Advantages, Penalties, Forfeitures, and Disabilities contained in the said Act shall be applied and extended to the Exchequer Bills to be made out in pursuance of this Act, as fully and effectually, to all Intents and Purposes, as if the said several Clauses or Provisoes had been particularly repeated and re-enacted in the Body of this Act.

Treasury to apply the Money raised.

III. And be it further enacted, That it shall be lawful for the said Commissioners of the Treasury to issue and apply from Time to Time all such Sums of Money as shall be raised by Exchequer Bills to be made out in pursuance of this Act to such Services as shall then have been voted by the Commons of the United Kingdom of *Great Britain* and *Ireland* in this present Session of Parliament.

Bills to be payable out of Supplies of the next Session.

IV. And be it further enacted, That the Principal Sum or Sums of Money to be contained in such Exchequer Bills shall be and are hereby charged and chargeable upon and shall be paid and discharged by and out of the first Supplies to be granted in the next Session of Parliament.

Interest on Exchequer Bills.

V. And be it further enacted, That the Exchequer Bills to be made out in pursuance of this Act shall bear Date on the Days on which the same shall be respectively issued, and shall and may bear an Interest not exceeding the Rate of Three-pence Halfpenny *per Centum per Diem* upon or in respect of the whole of the Monies respectively contained therein, payable out of any Aids or Supplies in the Receipt of His Majesty's Exchequer at *Westminster*.

Bills to be current at the Exchequer after April 5, 1835.

VI. And be it further enacted, That all and every the Exchequer Bills to be made forth by virtue of this Act, or so many of them as shall from Time to Time remain undischarged and uncancelled, shall and may, from and after the Fifth Day of *April* One thousand eight hundred and thirty-five, be received and taken and shall pass and be current to all and every the Receivers and Collectors in *Great Britain* of the Customs, Excise, or any Revenue, Supply, Aid, or Tax whatsoever, already granted, due, or payable, or which shall or may hereafter be granted, due, or payable, to His Majesty, His Heirs and Successors, and also at the Receipt of the said Exchequer, from the said Receivers or Collectors, or from any other Person or Persons, Bodies Politic or Corporate whatsoever, making any Payment there to His Majesty, His Heirs and Successors, for or upon any Account, Cause, or Occasion whatsoever, according to the Purport and true Meaning of this Act; and that such of the same Bills as shall be received at the said Exchequer shall and may be locked up and secured as Cash, according to the Course of the said Exchequer settled and established by Law for locking up and securing Monies received in Specie there.

Bank of England may advance 14,384,700*l.* on the Credit

VII. And be it declared and further enacted, That it shall and may be lawful for the Governor and Company of the Bank of *England* to advance or lend to His Majesty, upon the Credit of the Exchequer Bills to be made out in pursuance of this Act, any Sum or Sums of

Money not exceeding in the whole the Sum of Fourteen millions three hundred and eighty-four thousand seven hundred Pounds, any thing in an Act passed in the Fifth and Sixth Years of the Reign of King *William* and Queen *Mary*, intituled *An Act for granting to Their Majesties several Rates and Duties upon Tonnage of Ships and Vessels, and upon Beer, Ale, and other Liquors; and for securing certain Recompences and Advantages in the said Act mentioned to such Persons as shall voluntarily advance the Sum of One million five hundred thousand Pounds towards carrying on the War against* France, or in any subsequent Act, to the contrary thereof in anywise notwithstanding. of this Act, notwithstanding 5 & 6 W. & M. c. 20.

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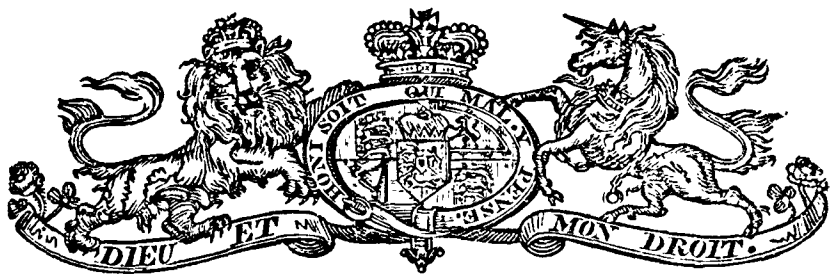

ANNO QUARTO & QUINTO

GULIELMI IV. REGIS.

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CAP. LIX.

An Act to extend the Term of an Act of the First and Second Years of His present Majesty, for ascertaining the Boundaries of the Forest of *Dean*, and for inquiring into the Rights and Privileges claimed by Free Miners of the Hundred of *Saint Briavel's*, to the Twenty-first Day of *January* One thousand eight hundred and thirty-five, and from thence to the End of the then next Session of Parliament. [13th *August* 1834.]

WHEREAS an Act was passed in the First and Second Years of the Reign of His present Majesty, intituled *An Act for ascertaining the Boundaries of the Forest of* Dean, *and for inquiring into the Rights and Privileges claimed by Free Miners of the Hundred of* Saint Briavel's, *and for other Purposes*: And whereas the Commission directed by the said recited Act to be issued under the Great Seal of His Majesty's Court of Exchequer bears Date the Twenty-first Day of *January* One thousand eight hundred and thirty-two: And whereas the Time within which the Commissioners were by the said recited Act directed to make their Reports to the Lord High Treasurer or Lords Commissioners of His Majesty's Treasury was enlarged by an Act passed in the Third and Fourth Years of the Reign of His present Majesty, intituled *An Act* 1 & 2 W. 4. c. 12. 3 & 4 W. 4. c. 38.

to extend to the Twenty-first Day of January *One thousand eight hundred and thirty-four, and to the End of the then next Session of Parliament, the Time for carrying into execution an Act of the First and Second Years of His present Majesty, for ascertaining the Boundaries of the Forest of* Dean, *and for inquiring into the Rights and Privileges claimed by Free Miners of the Hundred of* Saint Briavel's, *and for other Purposes:* And whereas it is expedient that the Time for making the said several Reports should be further enlarged: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Time for making the several Reports directed to be made by the said Commissioners under the Authority of the said recited Act of the First and Second Years of the Reign of His present Majesty shall be extended until the Twenty-first Day of *January* One thousand eight hundred and thirty-five, and from thence to the End of the then next Session of Parliament.

Time for making Reports under 1 & 2 W. 4. extended for One Year from 21st Jan. 1835.

II. And be it further enacted, That all the Powers, Provisions, Authorities, Regulations, Directions, Clauses, Penalties, Forfeitures, Matters, and Things in the said recited Act of the First and Second Years of the Reign of His present Majesty contained, shall extend and be construed to extend to this present Act, and shall operate and be in force during the said additional Period, as fully and effectually to all Intents and Purposes as if the same Powers, Authorities, Provisions, Regulations, Directions, Clauses, Penalties, Forfeitures, Matters, and Things were particularly repeated and re-enacted in the Body of this Act, and made expressly applicable thereto, and as if the Time for the making of the said several Reports by the said Commissioners as aforesaid had been therein originally extended to the said additional Period.

Powers of 1 & 2 W. 4. c. 12. extended to this Act.

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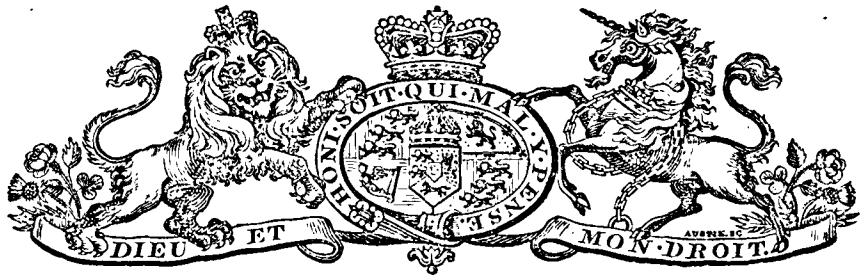

ANNO QUARTO & QUINTO

GULIELMI IV. REGIS.

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CAP. LX.

An Act to amend the Laws relating to the Land and Assessed Taxes, and to consolidate the Boards of Stamps and Taxes.

[13th *August* 1834.]

WHEREAS, for the more convenient Execution of the Acts relating to the Land Tax, it is expedient to authorize the Commissioners acting in the Execution of the said Acts for any County, Shire, or Riding to alter the Jurisdiction of any Parishes, Tithings, Townships, Hamlets, or Places, by transferring any One or more thereof from one Division to another of the same County, or by creating thereout any new Division or Divisions for the Purposes of the said Act, as Occasion shall require: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall and may be lawful for the said Commissioners, at a General Meeting or Meetings for any County, Riding, or Shire, if and as they shall see fit (subject as herein provided), to transfer the Jurisdiction of any of the Parishes, Townships, Hamlets, Tithings, or Places in any County from the Division or Divisions to which the same respectively now belong, together with the Quotas payable by them respectively at the Time of such Transfer,

Commissioners empowered to transfer Jurisdictions from one Hundred or Division to another, or to create new Divisions.

Transfer, to any adjoining or other Division or Divisions of the same County, or to any new Division or Divisions, which new Division or Divisions it shall be lawful for the said Commissioners and they are hereby expressly authorized and empowered to create in any such County, provided every such Alteration or Creation of Divisions respectively shall be certified in Writing under the Hands of the Majority of the Commissioners present at such General Meeting to His Majesty's Commissioners of Stamps and Taxes, and provided the same shall be approved of by the Commissioners of His Majesty's Treasury for the Time being; and such Approbation, together with the Quotas to be assessed and levied on the Parishes, Townships, Tithings, Hamlets, or Places so as aforesaid transferred, shall be certified to the Commissioners of the respective Divisions under the Hands of the Commissioners of Stamps and Taxes, or any Two or more of them, but not otherwise; and the Commissioners whose respective Divisions shall be extended or created in manner aforesaid shall have full Jurisdiction and Control in, over, and throughout the several Parishes, Townships, Tithings, Hamlets, or Places so as aforesaid transferred, and shall and may execute all the Powers and Provisions of the Acts relating to the Land Tax, and of the Acts relating to the Duties of Assessed Taxes, in assessing, charging, raising, and enforcing Payment of the said Taxes respectively in and throughout the same; and the Parishes, Townships, Tithings, Hamlets, or Places so as aforesaid respectively transferred shall be considered as forming Part of the Division to which they shall be or shall have been transferred, for all the Purposes of the Acts relating to the Land Tax and the Assessed Taxes respectively, any thing in any former Statute contained to the contrary thereof notwithstanding; and all the Alterations herein provided for, which may have been made at any Time previous to the passing of this Act, shall be as valid, lawful, and effectual, and be acted on in all respects, as if the same had taken place after the passing of this Act, and in pursuance hereof: Provided nevertheless, that nothing herein contained shall be construed to authorize the Alterations of the Limits or Jurisdiction of any of the Cities, Boroughs, Cinque Ports, Towns, and Places respectively in *Great Britain* for which separate and distinct Quotas of Land Tax are provided by and enumerated in the Acts now in force relating to the Land Tax.

Proviso.

Assessments of certain Lands in the Places in which they have usually been assessed declared valid.

II. And whereas divers Open Fields, Commons, and Waste Lands, since the Inclosure thereof, have been rated and assessed to the Land Tax, wholly or in part, in other Parishes, Townships, Hamlets, or Places than those in which such Lands do lie, the Inhabitants of such Parishes, Townships, Hamlets, or Places in which such Lands are rated and assessed having been before the Inclosure thereof entitled to Common of Pasture or other Common Rights in such Open Fields, Commons, and Waste Lands: And whereas Doubts have arisen touching the Legality of rating and assessing such Lands as aforesaid elsewhere than in the Parishes, Townships, Hamlets, or Places in which the same do lie, and it is expedient to remove such Doubts; be it therefore enacted and declared, That all Allotments and Pieces or Parcels of Land which at any Time heretofore have been Part or Parcel of any such Open Fields, Commons, or Waste Lands shall and

may lawfully be rated and assessed to the Land Tax in such Manner, and in such Parishes, Townships, Hamlets, or Places, as the same have since the Allotment or Inclosure thereof been usually rated and assessed, although such Lands may not lie in the Parishes, Townships, Hamlets, or Places in which the same have been or may be so as aforesaid rated or assessed; and that all Rates and Assessments which have been at any Time heretofore or may be at any Time hereafter made or charged upon or in respect of any such Lands as aforesaid, in or for the Parishes, Townships, Hamlets, or Places respectively in which the same have heretofore been usually rated or assessed, are hereby declared to have been and shall be deemed to be respectively as valid and effectual to all Intents and Purposes, and shall be collected and levied in like Manner, as if such Lands had been situated within the Parishes, Townships, Hamlets, or Places in or for which such Rates or Assessments have been or shall be made or charged.

Certain Provisions of the Acts herein recited repealed.

III. And whereas by an Act passed in the Second Year of the Reign of His present Majesty, intituled *An Act to amend the Representation of the People of* England *and* Wales, it is enacted, that in order to entitle any Person to vote in any Election of a Knight of the Shire or other Member to serve in Parliament in respect of any Messuages, Lands, or Tenements, it shall not be necessary that the same shall be assessed to the Land Tax: And whereas by reason of the said last-recited Enactment the Provisions herein-after mentioned or referred to of an Act passed in the Eighteenth Year of the Reign of King *George* the Second, intituled *An Act to explain and amend the Laws touching the Elections of Knights of the Shire to serve in Parliament for that Part of* Great Britain *called* England, and of an Act passed in the Twentieth Year of the Reign of King *George* the Third, intituled *An Act to remove certain Difficulties relative to Voters at County Elections*, have been rendered unnecessary, and it is expedient to repeal the same; be it therefore enacted, That so much of the said recited Act of the Eighteenth Year of the Reign of King *George* the Second as requires the Commissioners of the Land Tax to deliver or cause to be delivered to the Clerks of the Peace for their respective Counties any Duplicate of the Copies of the Assessments of Land Tax; and so much of the said recited Act of the Twentieth Year of the Reign of King *George* the Third as requires the Assessors of the Land Tax to make Three Duplicates of their Assessments, and to cause One of the said Duplicates, or a Copy thereof, to be stuck upon the Door of any Church or Chapel; and also so much of the said last-mentioned Act as requires the said Assessors to deliver One of such Duplicates, amended as in the said Act is mentioned, to any Chief Constable, or as requires any such Chief Constable to deliver such Duplicate to the Clerk of the Peace in the Manner mentioned in the said Act; and also so much of the said last-mentioned Act as inflicts any Fine, Penalty, or Forfeiture upon any Assessor or Chief Constable for any Neglect or Omission to deliver such Duplicate in manner in the said Act mentioned, or as relates to the levying and recovering of any such Fine, Penalty, or Forfeiture, shall be and the same is and are hereby repealed; and all Persons who have incurred any Fine, Penalty, or Forfeiture by reason of any such Neglect

2 W. 4. c. 45 s. 22.

18 G. 2. c. 18.

20 G. 3. c. 17.

Neglect or Omission as aforesaid since the passing of the said recited Act of the Second Year of His present Majesty's Reign shall be and are hereby indemnified, freed, and discharged from the same.

So much of 53 G. 3. c. 123. as is herein recited repealed.

IV. And whereas by an Act passed in the Fifty-third Year of the Reign of King *George* the Third, intituled *An Act to amend and render more effectual several Acts passed for the Redemption and Sale of the Land Tax*, certain general Rules and Directions contained in a Schedule marked (E.) to the said last-recited Act annexed were enacted with reference to certain Contracts for the Redemption of Land Tax therein mentioned, and amongst other Rules it was enacted as follows; (that is to say,) First, the Commissioners for executing this Act who shall have entered into any such Contract shall, as soon as conveniently can be done after the Date of each Contract, cause an Abstract of so much thereof as shall be necessary to be transmitted to the Commissioners acting in the Execution of the Land Tax Act in the Division where the Land Tax contracted for shall be charged, and the said last-mentioned Commissioners shall from Time to Time cause Assessments to be made of the Payments which according to such Contracts shall become due in each Year ending the Twenty-fifth Day of *March*, together with the Amount of the Land Tax contracted for, and the Names of the Contractors and Occupiers of the Premises whereon the Land Tax is charged, in such Form or Forms as shall be made out at the Office for Taxes for that Purpose, and shall annually return Duplicates thereof to the Receiver General and the King's Remembrancer, in such Form and Manner and at such Times as they are directed to return Duplicates of Land Tax, in order that the respective Receivers General may be charged therewith at the Receipt of His Majesty's Exchequer: And whereas it is expedient to repeal the said last-recited Rule; be it therefore enacted, That from and after the passing of this Act so much of the Rules and Directions contained in the said Schedule (E.) to the said last-recited Act annexed as is herein-before expressly recited shall be and the same is hereby repealed.

Certificate of Land Tax Commissioners in lieu of Duplicates mentioned in last-recited Act.

V. And be it enacted, That in lieu of the Duplicates by the said last-recited Act directed to be returned to the Receiver General and the King's Remembrancer, the Certificate of the Commissioners for the Time being acting in the Execution of the Acts for the Redemption and Sale of the Land Tax, to the Commissioners for auditing the Public Accounts, of the Payments which according to such Contracts shall become due in each Year as aforesaid, shall be a sufficient Authority for charging the respective Receiving Officers with the same, and such Certificate shall be in such Form as shall be devised by the said Commissioners acting in the Execution of the said Acts for that Purpose.

District Commissioners, with the Approbation of the Treasury, may remunerate Assessors for making

VI. And whereas by an Act passed in the Sixth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to provide for the Application of Monies arising in certain Cases of Assessments for Land Tax in* Great Britain, the Commissioners of His Majesty's Treasury are authorized, on the Receipt of any such Certificate as is thereupon required to be transmitted by the Commissioners of Districts

Districts of the Amount of Excess of Assessment and Collection of Land Tax in any such Cases as are therein specified, to direct the net Produce and Amount of such Excess of Assessment and Collection to be applied to His Majesty's Use in such Manner and for such Purposes as in the said last-recited Act are mentioned: And whereas it is expedient to amend the said recited Act in the Manner herein-after mentioned; be it therefore enacted, That it shall and may be lawful for the said Commissioners acting within and for any District or Division in which any Excess of Assessment and Collection of Land Tax shall arise to cause to be deducted from the Amount of such Excess, and to be paid to the respective Assessors of the several Cities, Boroughs, Towns, Parishes, Wards, or Places in which such Excess shall arise, as a Remuneration to the said Assessors for their Trouble in making the Assessments to the Land Tax, such Sum or Sums of Money as the said last-mentioned Commissioners shall certify to be a just and reasonable Remuneration to the said Assessors, and as the Commissioners of His Majesty's Treasury shall sanction and approve, and then and in such Case the Balance only of such Excess of Assessment and Collection, after making such Deduction as aforesaid, shall be paid and applied to His Majesty's Use in the Manner directed by the said last-recited Act; any thing therein or in any other Act or Acts contained to the contrary thereof in anywise notwithstanding.

their Assessments, out of the surplus Land Tax. 6 G. 4. c. 32.

VII. And whereas by an Act passed in the Forty-eighth Year of the Reign of King *George* the Third, intituled *An Act to amend the Acts relating to the Duties of Assessed Taxes, and of the Tax upon the Profits of Property, Professions, Trades, and Offices, and to regulate the Assessment and Collection of the same*, it is enacted, that the said Duties shall be collected, levied, paid over, and accounted for under and subject to the Rules and Directions in the said Act contained, and certain Rules and Directions are (amongst others) contained in and enacted by the said Act with reference to the said Duties of Assessed Taxes, and which are intituled, "Number V. Rules and Directions for paying to the Receiver General and accounting for the Duties received by the Collectors:" And whereas by an Act passed in the Third Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to amend the Laws relating to the Land and Assessed Taxes, and to regulate the Appointment of Receivers General in* England *and* Wales, certain Rules and Regulations are (amongst others) contained in and enacted by the said last-recited Act with reference to the said Duties of Assessed Taxes, and which are intituled respectively, "Number II. Rules and Regulations respecting the said Office, in relation to Assessed Taxes," "Number III. Rules and Regulations respecting the Office of Collector of Assessed Taxes," and "Number IV. Rules and Regulations respecting the Offices of other Persons acting in the Execution of the said Acts:" And whereas it is expedient that the Monies arising from the Land Tax should be collected and accounted for under the same Rules, Regulations, and Directions; be it therefore enacted, That from and after the passing of this Act the Monies arising from the Land Tax shall be collected, levied, paid over, and accounted for under and subject to the Rules, Regulations, and Directions

Rules and Regulations contained in 48 G. 3. c. 141. and 3 G. 4. c. 88. to extend and apply to the Land Tax.

rections severally contained in and enacted by the said recited Acts of the Forty-eighth Year of King *George* the Third, and the Third Year of King *George* the Fourth, so far as the same relate to the Duties of Assessed Taxes herein-before mentioned or referred to; and all such Rules, Regulations, and Directions, and all and every the Clauses and Provisions thereof, so far as the same relate to the said Duties of Assessed Taxes, shall be deemed and taken to extend and apply to the collecting, levying, paying over, and accounting for the Monies arising from the Land Tax, in the same Manner, and as fully and effectually, to all Intents and Purposes, as if such Rules, Regulations, and Directions had been expressly enacted by this Act with reference to the said Monies arising from the Land Tax, and to the Commissioners, Receivers, Collectors, and other Officers or Persons acting in the Execution of the Acts relating thereto.

The Boards of Commissioners of Stamps and Commissioners for the Affairs of Taxes to be One consolidated Board of Commissioners of Stamps and Taxes.

VIII. And whereas by His Majesty's Letters Patent under the Great Seal of the United Kingdom of *Great Britain* and *Ireland* certain Persons therein named have been constituted and appointed and now are Commissioners of Stamps for the United Kingdom of *Great Britain* and *Ireland*, and by the same Letters Patent the same Persons have also been constituted and appointed and now are Commissioners for the Affairs of Taxes in *Great Britain*: And whereas it is expedient that the several Duties, Matters, and Things under the Care and Management of the said Commissioners of Stamps and of the said Commissioners for the Affairs of Taxes respectively should be and remain under the Care and Management of One consolidated Board of Commissioners, to be called "The Commissioners of Stamps and Taxes;" be it therefore enacted, That from and after the passing of this Act the several Persons so as aforesaid appointed Commissioners of Stamps for the United Kingdom of *Great Britain* and *Ireland* and Commissioners for the Affairs of Taxes in *Great Britain* respectively shall, without any further Commission or other Authority than this Act, be and become one Consolidated Board of Commissioners, and be called "The Commissioners of Stamps and Taxes," and it shall be lawful for His Majesty, His Heirs and Successors, from Time to Time to appoint under the Great Seal of *Great Britain* and *Ireland* such other Persons as He or They shall think fit to be Commissioners of Stamps and Taxes, and that from henceforth all the several Duties, Matters, and Things which at the Time of the passing of this Act are collected by or are under the Care and Management of the said Commissioners of Stamps and of the said Commissioners for the Affairs of Taxes respectively shall respectively be collected by and shall be under the Care and Management of the Commissioners of Stamps and Taxes, in the same Manner as such Duties, Matters, and Things respectively have heretofore been collected by or have been under the Care and Management of the said Commissioners of Stamps and of the said Commissioners for the Affairs of Taxes respectively: Provided always, that as well the said Commissioners so to be appointed by His Majesty, His Heirs and Successors, as aforesaid, as the said Commissioners by this Act constituted Commissioners of Stamps and Taxes, shall respectively be and remain Commissioners

of Stamps and Taxes during the Pleasure of His Majesty, His Heirs and Successors, and no longer.

Powers and Authorities vested in the Commissioners of Stamps and Commissioners for the Affairs of Taxes respectively to be exercised by the Commissioners of Stamps and Taxes.

IX. And be it enacted, That the said Commissioners of Stamps and Taxes, or any Three or more of them, shall have, use, and exercise all such Powers and Authorities as are now given to or vested in or as might be used and exercised by the Whole or any Number of the said Commissioners of Stamps or of the said Commissioners for the Affairs of Taxes, under or by virtue of any Act or Acts in force at or immediately before the passing of this Act, and all such Powers and Authorities shall be and are hereby given to and vested in the Commissioners of Stamps and Taxes, and any Three or more of them, as fully and effectually, to all Intents and Purposes, as if such Powers and Authorities, and all Clauses, Regulations, Provisions, Penalties, and Forfeitures in any Act or Acts relating thereto respectively, were severally repeated and re-enacted in this Act, and made Part thereof; and all Rules, Orders, Regulations, Acts, Matters, and Things which shall be made or done by the said Commissioners of Stamps and Taxes, or any Three or more of them, and which by any Act or Acts in force at or immediately before the passing of this Act are or were required or authorized to be made or done or which might be made or done by the Commissioners of Stamps or the Commissioners for the Affairs of Taxes, or any Three of such Commissioners respectively, shall be and be deemed to be as good, valid, and effectual in the Law to all Intents and Purposes as if made or done by the said Commissioners of Stamps or the said Commissioners for the Affairs of Taxes, or any Number of such Commissioners respectively, under or in pursuance of any such Act or Acts as aforesaid; and all Persons shall be subject and liable to the same Pains and Penalties for doing or omitting to do any Act, Matter, or Thing contrary to any Rules, Orders, or Regulations of the said Commissioners of Stamps and Taxes, or any Three or more of them, as such Persons respectively would have been subject and liable to for doing or omitting to do the same Acts, Matters, or Things contrary to any Rules, Orders, or Regulations of the Commissioners of Stamps or the Commissioners for the Affairs of Taxes respectively, under or by virtue of any Act or Acts in force at or immediately before the passing of this Act: Provided always, that where by any Act or Acts in force at or immediately before the passing of this Act any Act, Matter, or Thing is expressly required or authorized to be done by any particular or prescribed Number less than Three of the said Commissioners of Stamps or of the said Commissioners for the Affairs of Taxes, every such Act, Matter, or Thing, being done by such particular or prescribed Number of the Commissioners of Stamps and Taxes, shall be good, valid, and effectual to all Intents and Purposes: And provided also, that all Rules, Orders, and Regulations heretofore made by the said Commissioners of Stamps or the said Commissioners for the Affairs of Taxes respectively, in force at the Time of the passing of this Act, and which are not altered or varied by this Act, or contrary to any of the Provisions thereof, shall respectively remain and continue in full Force and Effect until the same shall be abrogated, annulled, altered, or varied by the said Commissioners of Stamps and Taxes.

X. And

All Commissions and Appointments of Officers under the Commissioners of Stamps and the Commissioners for the Affairs of Taxes to remain in force.

X. And be it enacted, That all Commissions, Deputations, and Appointments at any Time heretofore granted to any Officers of the Commissioners of Stamps or of the Commissioners for the Affairs of Taxes, and in force at the Time of the passing of this Act, shall respectively remain and continue in full Force and Effect until the same shall be revoked or recalled by lawful Authority; and the Persons holding such Commissions, Deputations, and Appointments shall have full Power and Authority to execute the Duties of their respective Offices and Appointments, and to enforce all Laws, Regulations, Pains, and Penalties relating to the Duties and Revenues for which they have respectively been appointed, as fully and effectually to all Intents and Purposes as they might or could do before or at the Time of the passing of this Act; and all Officers who at the Time of the passing of this Act hold their respective Offices during the Will and Pleasure of the Commissioners of Stamps or of the Commissioners for the Affairs of Taxes shall hereafter hold such Offices subject to the Will and Pleasure of the Commissioners of Stamps and Taxes, and all such Officers shall be under the Control and Authority of the said Commissioners of Stamps and Taxes, and shall be liable to the same Pains, Penalties, and Punishments to be inflicted by the said last-mentioned Commissioners as might heretofore have been inflicted upon them by the said Commissioners of Stamps or the said Commissioners for the Affairs of Taxes respectively.

Bonds and Securities to remain in force, and to extend to the Duties under the Care of the Commissioners of Stamps and Taxes.

XI. And be it enacted, That all Bonds and Securities to His Majesty, or to the Commissioners of Stamps or the Commissioners for the Affairs of Taxes, or to any Officer or Person in their respective Employ, which have been heretofore given or entered into by any Person or Persons whatsoever, either as Principals or Sureties, for securing the due accounting for or the Payment of any Duties or other Monies under the Care or Management of the Commissioners of Stamps or of the Commissioners for the Affairs of Taxes, or for the good Conduct of any Officer, Clerk, or other Person, or for any other Purpose whatever relating to the said Duties or any of them respectively, shall remain and continue in full Force and Effect until the Conditions of such Bonds or Securities shall have been duly performed and fulfilled; and all such Bonds and Securities, and the Conditions thereof respectively, shall be deemed and construed to extend and be applicable to the Duties, Matters, and Things which under or in pursuance of this Act are or shall be placed under the Care or Management of the Commissioners of Stamps and Taxes; and wheresoever in any such Bonds or Securities as aforesaid, or in the Conditions thereof respectively, or in any Act or Acts now in force, Mention is made of the Commissioners of Stamps or of the Commissioners for the Affairs of Taxes, or of any Receiver or other Officer of the Duties or Revenues under the Care or Management of the said Commissioners respectively, the same, with reference to any Act, Matter, or Thing to be done or performed after the passing of this Act, shall be deemed and construed to apply to and to mean the Commissioners of Stamps and Taxes, or the Receiver or other Officer of the Duties or Revenues under the Care or Management of such last-mentioned Commissioners, as the Case may be or require.

Commissioners of the Treasury may appoint Distributors of Stamps to be also Receivers of the Land and Assessed Taxes.

XII. And whereas it would tend to reduce the Expence of receiving and remitting the Public Revenue arising from the Land and Assessed Taxes if the several Persons who act as the Distributors of Stamps, or some of them, were also appointed to receive the said Taxes, and it is therefore expedient to authorize the Appointment of the said Distributors of Stamps to be also the Receivers of the said Taxes; be it therefore enacted, That from and after the passing of this Act it shall be lawful for the Commissioners of His Majesty's Treasury for the Time being, or any Three or more of them, to nominate and appoint, from Time to Time, such of the Persons for the Time being appointed to execute the Office of a Distributor of Stamps in *England* as the said Commissioners shall think proper to be Officers or Persons for the Receipt of the Land Tax and of Monies payable for the Sale and Redemption thereof, and the respective Rates and Duties of Assessed Taxes under the Management of the Commissioners for the Affairs of Taxes, within and for such Counties, Districts, and Circuits of Receipt as the said Commissioners of the Treasury shall from Time to Time authorize and direct; and it shall also be lawful for the said Commissioners of the Treasury to grant to the Distributors of Stamps appointed Receivers as aforesaid such additional Allowances by way of Remuneration for executing and performing the additional Duties imposed on them under this Act, and for the Expence of a Clerk, as the said Commissioners shall deem to be necessary.

Receivers appointed under this Act to give Security.

XIII. And be it enacted, That every such Distributor appointed a Receiver under the Authority of this Act shall, if required by the Commissioners of Stamps and Taxes, under the Authority of the said Commissioners of His Majesty's Treasury, give and enter into a Bond or Bonds to His Majesty, His Heirs and Successors, either with or without Sureties, as shall be directed by the said Commissioners of Stamps and Taxes under the Authority aforesaid, and in such Penalty and with such Condition as to the said last-mentioned Commissioners shall appear necessary, or shall enter into or give such other Security or Securities as may from Time to Time appear to such Commissioners right and proper for the due Protection of the Revenue; and all Bonds so to be taken to His Majesty under this Act from such Receivers respectively and their respective Sureties shall be of the same Force and Effect, and such Receivers and their Sureties shall be respectively accountable and answerable, in the same Manner as if such Bonds were taken from Receivers of Taxes under the Authority of any former Act or Acts in force.

Powers and Provisions of former Acts to be applied to and executed by the Receivers appointed under this Act.

XIV. And be it enacted, That all and every the Powers, Provisions, Rules, Regulations, and Directions, Penalties, Liabilities, Matters, and Things contained in and imposed by any Act or Acts now in force relating to the Land Tax and to the Sale and Redemption thereof, and the Rates and Duties of Assessed Taxes, or to the Office of a Receiver General, Receiving Inspector, or other Receiver answerable in the Receipt of the Exchequer, or which by Law any Receiver General, Receiving Inspector, or other Receiver is authorized, empowered, or required to do, execute, follow, and perform, shall continue to be in full Force, and be observed, followed, practised,

applied, and put in execution by and against the several Officers or Persons appointed for the Receipt of the said Taxes under this Act, to all Intents as if such Officers or Persons respectively were appointed Receivers General, Receiving Inspectors, or other Receivers under or in pursuance of any former Act or Acts relating to the said Duties, and as if the same Powers, Provisions, Matters, and Things were severally repeated and re-enacted by this Act.

Bonds, Commissions, &c. under this Act to be free from Stamp Duty and Fees.

XV. And be it enacted, That all Bonds, Bills, Securities, and Receipts whatsoever to be entered into with or given by the Receivers to be appointed under the Provisions of this Act, and their respective Sureties with relation to the said Duties of Land and Assessed Taxes respectively, shall be free from all Stamp Duty whatever, and no Distributor of Stamps appointed a Receiver under this Act as aforesaid shall in any Case be liable to or charged with any Stamp Duty, Fee, or Gratuity on his Commission, Warrant, or other Instrument to be obtained or had either on his first Appointment or any renewed or succeeding Appointment to be such Receiver as aforesaid under this Act, nor to any Fee or Gratuity for any Matter or Thing incident to the Execution of his Office, or for auditing or passing his Accounts, either in His Majesty's Treasury, the Office for Taxes, or any Office of the Court or Receipt of the Exchequer.

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ANNO QUARTO & QUINTO

GULIELMI IV. REGIS.

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CAP. LXI.

An Act for the more effectually providing for the Erection of certain Bridges in *Ireland*.

[13th *August* 1834.]

WHEREAS according to the Laws now in force in *Ireland*, where any River is the Boundary between Two Counties, the Expences of building, rebuilding, repairing, enlarging, or altering any Bridge over such River are to be defrayed by such Two Counties only, that is to say, a Moiety by each; and no Money can be paid by the Treasurer of either of such Counties on account of any Presentment for any of the aforesaid Purposes unless an equal Sum shall have been presented to be raised for the same Work upon the adjoining County: And whereas Differences have been frequently found to exist between the Grand Juries of such adjacent Counties with respect to the Expediency of the building, rebuilding, altering, or improving or repairing of Bridges so situated, by reason whereof the same have been in many Instances suffered to fall into Decay, to the great Inconvenience of the Public: And whereas the Objections to making Presentments for such Bridges have been sometimes founded upon the Supposition that the particular Counties which alone would be thereby so charged would not derive from such Bridge a Benefit commensurate with the Expence, whilst other neighbouring Counties would gain a Portion of such Benefit without contributing in any Degree to the Burthen, and it is expedient to remove any Foundation for such Objections; be it therefore enacted by

36 G. 3. c. 55. 1 & 2 W. 4. c. 33.

by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same,

Grand Juries may apply to Lord Lieutenant for Powers under this Act to build or repair Bridges between any Two Counties.

That where at any Time after the Commencement of this Act it shall be deemed expedient by the Grand Jury of any County or County of a City or Town in *Ireland* that any Bridge over any River forming a Boundary between such County or County of a City or Town and any other County or County of a City or Town, or any Approach to such Bridge, shall be built, rebuilt, enlarged, altered, repaired, or in anywise improved, it shall and may be lawful for such Grand Jury to present a Memorial to the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, stating the Nature of the Work proposed, and the Reasons for which the same is considered to be useful or desirable, and praying that the Powers by this Act authorized to be exercised may be applied for the Purpose of prosecuting and completing such Work.

Lord Lieutenant empowered to appoint Persons to inquire into the Expediency of complying with such Application.

II. And be it enacted, That thereupon it shall be lawful for such Lord Lieutenant or other Chief Governor or Governors of *Ireland*, if he or they shall so think fit, to appoint any Number of Persons not exceeding Five to inquire into and report upon the Circumstances stated in such Memorial, and to investigate the Truth of the Matters therein contained, and the Propriety and Expediency of complying with the Prayer of such Memorial; and that the Person or Persons so to be appointed shall have full Power to examine into the Merits of such Memorial and the Grounds thereof, and for that Purpose to receive such Evidence, whether oral or documentary, to make or cause to be made such Surveys and Plans, and to collect such Information as may be offered in support of or against the Prayer of such Memorial; and in case such Person or Persons shall, upon a Consideration of all the Facts submitted or proved to them or him, be of opinion that the Provisions of this Act shall be put into operation with respect to the Subject Matter of such Inquiry, he or they shall so report to the said Lord Lieutenant or other Chief Governor or Governors; and such Report shall be accompanied by a proper Plan, Estimate, and Specification for the Execution of the intended Work, and also by a Statement of the Proportions in which the Expences thereof should be defrayed by the Two Counties between which the Bridge shall be, and by such neighbouring Counties, if any such, as ought to be contributory to such Expences.

If such Persons are satisfied they shall so report, and therewith transmit the Plan, Estimate, &c. of the Work and the Proportions of Expences to be defrayed by the Counties.

Copy of Report, &c. to be sent to the Secretary of the Grand Jury of every County named therein, to be laid before the Grand Jury for Consideration; and

III. And be it enacted, That the said Lord Lieutenant or other Chief Governor or Governors shall cause a Copy of such Report, Plan, Estimate, Specification, and Statement to be transmitted to the Secretary of the Grand Jury of each and every County named in such Statement as proper to be contributory to such Expences as aforesaid, to be by him laid before the Grand Jury at the next Assizes; and each such Grand Jury shall take the same into consideration; and if any such Grand Jury shall determine that an Appeal shall be made against such Report on account of such County being made contributory to the Expences aforesaid, or on account of its being charged in an undue Proportion for the said Expences, or on

account of any Objection to the Plan, Specification, Estimate, or Statement aforesaid, it shall be lawful for such Grand Jury to direct that such Appeal shall be made to the said Lord Lieutenant or other Chief Governor or Governors in Council, in the Name of such Grand Jury, on behalf of such County; and the Grounds of such Appeal shall be stated in Writing, and signed by the Foreman of such Grand Jury, and transmitted by him to the Clerk of the Privy Council; and Notice of every such Appeal shall be inserted by or on behalf of such Grand Jury in the *Dublin Gazette* once in Two successive Weeks next after such Appeal shall have been lodged with the Clerk of the Council as aforesaid; and it shall be lawful for such Lord Lieutenant or other Chief Governor or Governors, by and with the Advice and Consent of His Majesty's Privy Council in *Ireland*, to hear and determine such Appeal, and to make such Order, disallowing or confirming such Report, or for the varying, altering, or modifying such Report, Plan, Estimate, Specification, or Statement, as shall seem meet.

from which they may appeal.

IV. And be it enacted, That upon such Report if not appealed against, or in the Case of any such Appeal then upon such Report, if the same shall be confirmed, or, if varied, altered, or modified, then upon the same as so varied, altered, or modified upon such Appeal, it shall be lawful for the said Lord Lieutenant or other Chief Governor or Governors, if he or they shall so think fit, by Order to be signified through his or their Chief or Under Secretary, to direct that the Bridge in such Report mentioned shall be built or rebuilt, or that the same or any of the Approaches thereto shall be repaired, enlarged, widened, altered, or improved in the Manner and according to the Plan in such Report approved of, or according to such other Plan as may be approved of upon such Appeal as aforesaid, and that the Expences of any such Work, or in case any Grant shall be made in aid of such Work as herein-after mentioned, then the Residue of such Expences, shall be raised off and from the several Counties which may be specified for that Purpose in such Report or amended Report, according to the Shares and Proportions thereby recommended or determined.

Lord Lieutenant upon such Report may direct that the Bridge shall be built or repaired, and how the Expence thereof shall be raised.

V. And be it enacted, That, in order to provide for any Expences which may become necessary by the Appointment of any Person or Persons for the Purpose of examining into the Subject Matter of any Memorial to be presented under this Act, the Grand Jury presenting or authorizing any such Memorial shall be and are hereby empowered and required to present to be levied off their own County such Sum not being less than Two hundred Pounds as they may think fit, which Sum shall be deposited with the Treasurer of such County as a Fund or Security for the Discharge of such Expences as aforesaid, and be by him, or such Proportion thereof, paid over to such Person or Persons as shall be directed by the said Lord Lieutenant or other Chief Governor or Governors to receive the same, in case a Report shall be made that such Memorial ought not to be complied with, but in case a Compliance with the same shall be recommended and granted, then the Money so deposited shall remain in the Hands of such Treasurer to the Credit of the County,

Grand Jury making such Application to present off their own County a Sum for defraying Expences of Commission, to be lodged with Treasurer; but if Report be favourable, the Expences shall be defrayed out of the Monies raised for the Work.

County, and the Expences attending the Investigation of the Matter of such Memorial shall be deemed Part of the Charges for the Work recommended, and shall be borne by the several Counties liable thereto under the Provisions of this Act in the several Proportions hereby directed.

If Report be approved by Lord Lieutenant, the Order made thereon to be laid before the Grand Juries liable thereunder who shall present for the same.

VI. And be it enacted, That when any such Report as aforesaid shall have been received and approved of by the said Lord Lieutenant or other Chief Governor or Governors, or if the same shall be appealed against then upon the Determination of such Appeal, the Order made upon the same shall be transmitted to the Secretaries of the Grand Juries of the respective Counties thereby directed to be liable to the Charges of the said Work, and shall be by them at the next Assizes laid before such Grand Juries respectively, who shall thereupon present to be levied off their respective Counties the Sums appearing by such Order to be respectively chargeable thereon.

Such Presentments to be made without any previous Application to Sessions.

VII. And be it enacted, That such Presentments may and shall be made without any previous Application or Approval by any Special Sessions under the Provisions of an Act passed in the Third and Fourth Years of His present Majesty's Reign, intituled *An Act to amend the Laws relating to Grand Juries in* Ireland, or any other Act or Acts.

The building, &c. of such Bridges to be placed under the Management of the Commissioners of Public Works.

VIII. And be it enacted, That the building, rebuilding, repairing, widening, enlarging, or improving of any Bridge under the Provisions of this Act, or of any of the Approaches thereto, and the Execution of all Works relating to the same, shall be carried on, conducted, and managed by and under the Controul and Direction of the Commissioners for the Time being; and that all the Provisions of the said last-mentioned Act shall and may be applied and extended to the several Works hereby authorized to be executed, so far as the same may be necessary, and may not be repugnant to or inconsistent with this Act: And provided further, that nothing herein contained shall be construed to restrain or prevent the said last-mentioned Commissioners from making any Grant in aid of the Erection of any Bridge which may be proposed to be erected under the Provisions of this Act, in like Manner and to such Extent as they may be authorized by the said last-recited Act to make Grants on the Application of any Grand Jury; and such Commissioners are hereby authorized, upon Consideration of the Report, with the Plans, Specifications, and Estimates, to be prepared as herein-before provided, at their Discretion, subject nevertheless to the Consent and Approbation of the Lords Commissioners of His Majesty's Treasury for the Time being, to make such Grant in aid of the Erection of Bridges in respect whereof the Provisions of this Act may be put in execution; and in the Case of any such Grant the Amount thereof shall be deducted from the gross Amount of the Expence of erecting the same, and the Residue only shall be levied off the several Counties contributory to such Expence in the Proportions and Manner prescribed by the Order of the said Lord Lieutenant or other Chief Governor or Governors as aforesaid.

Not to prevent the Commissioners making any Grants in aid of Work.

IX. And

IX. And be it enacted, That it shall be lawful for any Grand Jury hereby required to present any Sum of Money for the Purposes of this Act to direct that the Amount of such Presentment shall be levied by any Number of equal half-yearly Instalments not exceeding Twelve; and upon such Presentment being made it shall be lawful for the said Lord Lieutenant or other Chief Governor or Governors, if he or they shall so think fit, to order that the whole or such Part as he or they shall deem proper of the Money so presented, or the Residue thereof in case of any Grant being made as aforesaid, shall be advanced out of the Sum of Five hundred thousand Pounds which by an Act of the First and Second Year of His present Majesty, intituled *An Act for the Extension and Promotion of Public Works in* Ireland, may be advanced to the said Commissioners of Public Works, for the more speedy Execution of the Work to which such Presentment shall relate, which Sum so advanced shall be repaid in the Proportions prescribed by any such Order as aforesaid of the said Lord Lieutenant or other Chief Governor or Governors, by the Treasurers of the respective Counties, to the Collectors of Excise for their respective Districts, by Instalments, pursuant to the Presentments, and be by such Collectors accounted for as any other Public Money which may come to their Hands.

Grand Jury may direct Presentment to be levied by Instalments.

Lord Lieutenant may order Sums presented to be advanced out of the Consolidated Fund.

1 & 2 W. 4. c. 33.

X. And be it enacted, That if any Surplus of any Money presented under this Act shall remain after the Completion of the Work for which the same shall have been raised, such Surplus shall be refunded to the Treasurers of the respective Counties off which the said Money shall have been raised in the like Proportions as those in which such Counties were made chargeable towards the Expences of such Work; and in like Manner any additional Sum beyond the Amount of the Estimate which may be found necessary shall be presented in like Proportions, pursuant to the Order and Directions of the said Lord Lieutenant or other Chief Governor or Governors.

Any Surplus of Sums presented remaining after Completion of Work to be refunded to County Treasurer.

XI. And whereas by an Act passed in the Parliament of *Ireland* in the Thirty-fifth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for building a Bridge over the River* Shannon *at* Portumna *in the County of* Galway, certain Persons therein named were constituted Trustees for receiving Subscriptions for building a Bridge over the River *Shannon* where the Ferry of *Portumna* then was, and the Subscribers thereto were created, united, and elected into One Company, and were thenceforth to be One Body Politic and Corporate by the Name of the Commissioners for building a Bridge over the River *Shannon* at *Portumna*, with certain Powers and Duties in the said Act particularly mentioned and set forth: And whereas the said Company was by the said Act authorized to demand and receive certain Sums therein specified in the Nature of Toll for Passage over the said Bridge, and also to raise Money for the Purposes of the said Act in any Manner which they or any Eleven or more of them should judge necessary: And whereas the said Commissioners afterwards caused a Bridge to be erected and built across the said River *Shannon* pursuant to the Provisions of the said Act, and thereupon received and have since continued to collect the several Tolls thereby given, as well for the Purposes of maintaining

The Act of 35 G. 3. (I.), for building a Bridge over the Shannon at Portumna, repealed.

taining and keeping in repair the said Bridge as reimbursing the several Persons subscribing Money for the Execution thereof: And whereas the said Commissioners, in execution of the Powers by the said Act vested in them, have from Time to Time borrowed considerable Sums of Money on the Credit of the said Tolls, on account of which Loans the said Commissioners are now indebted to the Extent of Three thousand Pounds or thereabouts: And whereas, notwithstanding the Receipt of such Tolls, and of the Funds so produced on the Credit thereof, the said Bridge hath been neglected, and is now in such a State of Dilapidation and Decay as to be nearly impassable and useless, and it is therefore expedient that the Management of the said Bridge should be otherwise conducted, and the Revenue arising therefrom more judiciously and properly applied; be it therefore enacted, That from and after the Commencement of this Act the said Act of the Thirty-fifth Year of the Reign of His late Majesty King *George* the Third shall be and the same is hereby repealed, save and except as to any Matters or Things heretofore done or which have heretofore taken place under the Authority thereof.

Saving for Matters done thereunder.

Right of Ferry already abolished not revived by this Act.

XII. Provided always, and be it enacted, That nothing herein contained shall have the Effect of reviving, creating, or validating any Right of Ferry or other Right or Privilege abolished or affected by the said Act.

Bridge of Portumna transferred to Commissioners of Public Works.

XIII. And be it enacted, That the said Bridge at *Portumna*, and all the Right, Title, Interest, Property, Claim, and Demand, in Law or in Equity, of the said Body Politic and Corporate thereto, and in and to all Tolls, Revenues, Profits, Emoluments, Income, and Benefits arising therefrom or thereout, shall be and the same are hereby transferred to and vested in the said Commissioners for the Execution of the said Act passed in the First and Second Years of the Reign of His present Majesty, and their Successors, in like Manner as any Public Work to which the said last-mentioned Act may now apply.

Lord Lieutenant may appoint a Commission to report upon the Proportions in which Counties deriving Benefit from Portumna Bridge shall contribute towards Reconstruction of same.

XIV. And be it enacted, That it shall and may be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland* to appoint Three or more Persons for the Purpose of investigating and reporting upon the respective Proportions in which the Counties likely to derive Benefit from the said *Portumna Bridge* shall contribute to the Expences of re-constructing and repairing the same, which Persons so appointed shall be at liberty, if they should so think fit, to cause proper Plans, Maps, Estimates, and Specifications to be made, for the Purpose of guiding their Judgments upon the Matter so submitted to them, the Expences whereof, and of all things by them directed as aforesaid, shall be deemed and taken to be Part of the Charges connected with the said Bridge, and shall be defrayed in the like Manner and in the same Proportions as any other Expences attending the same.

One Half the Sum so required to be

XV. And be it enacted, That one Half of the Sum necessary for the rebuilding or otherwise completing the said Bridge and of the Approaches

Approaches thereto shall be paid and advanced out of the Sum of Five hundred thousand Pounds which by the aforesaid Act of the First and Second Year of His present Majesty may be advanced for the Purpose of making Roads, and building Bridges in *Ireland*, upon Warrants to be from Time to Time signed for that Purpose by the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, and the other Moiety thereof shall be raised off the respective Counties which under the Provision herein-before contained shall be reported by the Person or Persons in that Behalf appointed to be liable to the Expences of the said Bridge, and shall be apportioned among such Counties in manner recommended by such Report.

advanced out of Consoli-Fund, and the Remainder to be raised off such Counties.

XVI. And forasmuch as the rebuilding the said *Portumna Bridge* so intended to be built, and the repairing, preserving, enlightening, watching, and supporting the same, will be attended with considerable Expence; be it further enacted, That it shall be lawful to and for the said Commissioners and their Successors, and they are hereby authorized and empowered, to take and receive, or cause to be taken and received, in the Nature of a Toll, before any Passage over the said Bridge shall be permitted, any Sum which the said Commissioners or their Successors shall direct not exceeding the following Rates; (that is to say,)

Commissioners of Public Works may levy certain Tolls on the said Bridge.

Tolls.

For every Coach, Berlin, Chariot, Calash, Chaise, or Chair drawn by Six or more Horses or other Beasts of Burthen, the Sum of Four Shillings Sterling; and for every Coach, Berlin, Chariot, Calash, Chaise, or Chair drawn by any lesser Number of Horses or other Beasts of Burthen than Six, or more than Two, the Sum of Two Shillings Sterling:

For every Coach, Berlin, Chariot, Calash, Chaise, or Chair drawn with Two Horses or other Beasts of Burthen, the Sum of One Shilling Sterling:

For every Waggon, Wain, Cart, Car, or other Carriage with Four Wheels, drawn by Four or more Horses or other Beasts of Burthen, the Sum of One Shilling Sterling; by less than Four and more than One Horse or other Beast of Burthen, the Sum of Sixpence Sterling:

For every Waggon, Wain, Cart, Car, or other Carriage with Two Wheels, drawn by more than Two Horses or other Beasts of Burthen, the Sum of Nine-pence Sterling, and when empty the Sum of Six-pence Sterling:

For every Cart, Car, or other Carriage drawn by Two Horses or other Beasts of Burthen, the Sum of Sixpence Sterling:

For every Carriage commonly called a Chaise or Chair, with Two Wheels, drawn with One Horse or other Beast of Burthen, the Sum of Three-pence Sterling; if with Four Wheels, the Sum of Four-pence Sterling:

For every Cart, Car, or other Carriage drawn by One Horse or other Beast of Burthen, and not laden, the Sum of Two-pence Sterling:

For every Cart or other Carriage drawn by One Horse or other Beast of Burthen, and laden (except with Hogs), the Sum of Three-pence Sterling:

For every Horse carrying One Rider, the Sum of Two-pence Sterling:

For

For every Sledge, Slide, or other Carriage without Wheels, drawn in any Manner, the Sum of One Shilling; and for all Carriages whatsoever drawn in or by any other Manner than as aforesaid, the Sum of Sixpence:

For every Horse, Gelding, Mare, Mule, Ass, or other Beast of Burthen, laden or unladen and not drawing, the Sum of Two-pence Sterling:

For every Drove of Oxen or Neat Cattle, the Sum of One Shilling and Eight-pence Sterling *per* Score, and so in proportion for a greater or lesser Number:

For every Drove of Calves, Hogs, Sheep, or Lambs, the Sum of Ten-pence Sterling *per* Score, and so in proportion for any greater or less Number:

For every dead Hog, the Sum of One Halfpenny:

Which said respective Sum and Sums shall be demanded and taken in the Name of or as a Per-centage Toll or Duty; and the Money so to be raised as aforesaid is and shall be hereby vested in the Commissioners and their Successors for ever; and the said Commissioners and their Successors shall be and are hereby empowered, by themselves or any Person or Persons by them under their Hands and Seals thereto authorized, to levy the Tolls or Duties by this Act appointed and required to be paid, upon any Person or Persons who shall, after Demand made thereof, neglect or refuse to pay the same, by Distress of any Carriage, Horse, or other Cattle or Goods upon which any such Toll or Duty is by this Act imposed, or upon any other of the Goods or Chattels of any such Person or Persons as ought to pay the same, and may detain the same until such Toll or Duty, with the reasonable Charges of such distraining or keeping, shall be paid; and it shall and may be lawful to and for the Person or Persons so distraining, after the Space of Four Days after such Distress made and taken, to sell the Goods distrained by Public Auction, returning the Overplus (if any), upon Demand, to the Owner, after such Toll, Duty, and reasonable Charges for distraining and keeping the same shall be deducted and paid.

Exemptions from Tolls.

XVII. Provided always, and be it further enacted, That this Act shall not extend or be construed to extend to charge with Toll any Horses or Carriages belonging to His Majesty or any of the Royal Family; or for any Horse, Beast, Cattle, or Carriage of whatever Description employed or to be employed in conveying, fetching, or guarding Mails of Letters and Expresses under the Authority of His Majesty's Postmaster General, either when employed in conveying, fetching, or guarding such Mails or Expresses, or in returning back from conveying or guarding the same; or for any Soldiers upon their March or upon Duty, or for any Horse, Beast, Cattle, or Carriages attending them, with their Arms and Baggage, or returning after having been so employed; or for any Waggon, Wain, Cart, or other Carriage whatsoever, or the Horse or Horses or other Cattle drawing the same, which shall be employed in conveying any Ordnance, Barrack, or Commissariat or other Public Stores of or belonging to His Majesty, or for the Use of His Majesty, or for the Use of His Majesty's Forces; or for any Chief Constable, Constable, or any Person of higher or lower Rank of or belonging to any Constabulary Force or Police,

being on Duty, or for any Horse, Mare, or Gelding furnished by or for or belonging to any such Constable, Chief Constable, or other such Person as aforesaid, rode by them in going to or returning from any Place upon Duty; and if any Person shall claim and take the Benefit of any of the Exemptions by this Act granted from the whole or any Part of the several Tolls hereby authorized to be taken, not being entitled to the same, such Person or Persons for every such Offence shall forfeit and pay any Sum not exceeding Five Pounds.

Penalty for claiming Exemption not being entitled thereto.

XVIII. And be it enacted, That it shall and may be lawful to and for the said Commissioners and their Successors to erect and place a Toll House or Toll Houses, and a Toll Gate or Toll Gates, at or near the said *Portumna Bridge;* and the said Commissioners and their Successors, and any Person or Persons by them thereto authorized, are hereby empowered to receive at such Gate or Gates the Tolls or Duties required by virtue of this Act to be paid, before the Passage of any Person, Carriage, Cattle, or Goods through the said Gate or Gates; and that any Person forcing a Passage through such Gate or Gates, for himself or herself, his or her Carriage, Cattle, or Goods, and not paying the due and regulated Tolls, or who shall wilfully and maliciously destroy, break, pull down, or damage any Gate or Gates, Toll House or Toll Houses, or Works, erected by virtue of this Act, or shall prevent or obstruct the Erection of any such Gate or Gates, Toll House or Toll Houses, or Works, or shall obstruct the Collectors appointed by the said Commissioners in collecting the said Tolls, or the Persons employed for that Purpose, may for every such Offence be summoned personally, or by a Summons left at his or her usual Place of Abode with some Person living therein of the Age of Sixteen Years and upwards, at the Instance of the said Commissioners or of the Person or Persons appointed by them to receive the same, One Day before the Day on which his or her Appearance shall be required, to appear before One or more Justice or Justices of the Peace for the *King's County* or Counties of *Galway* or *Tipperary*, who shall hear and determine the Merits of such Complaint in a summary Way, by the Oath or Oaths of One or more Witness or Witnesses, which Oath such Justice or Justices of the Peace is and are hereby required to administer, or by the Confession of the Party, and to inquire into and determine upon any Offence as aforesaid, and shall, in case of Proof of any such Offence, whether the Party complained against appear or not, if the Service of the Summons be duly proved, adjudge the Person or Persons guilty of the same to pay to the said Commissioners or their Successors, or to the Person or Persons by them or their Successors authorized, any Sum not exceeding Ten Pounds, with the necessary Costs and Charges; and in case of Nonpayment of the same the Sum to be adjudged by such Justice or Justices of the Peace shall be levied, by Warrant of Distress under the Hand and Seal of such Justice or Justices of the Peace, on the Goods and Chattels of the Person or Persons so adjudged to pay the same; and the Goods and Chattels so distrained shall and may on any Day after Four Days from the Time of distraining, and within Two Days, be publicly sold, and out of the Produce thereof the Sum so adjudged shall be paid to the Person or Persons empowered to receive the same; and the Overplus (if any be), after deducting the Costs and

Power to erect Toll Houses, &c.

Penalty for wilful Damage to Toll Houses, &c.

Charges, shall be paid to the Owner of such Goods and Chattels so distrained; and in case such Distress cannot be made, then that the said Justice or Justices of the Peace shall and may and he and they are hereby empowered to commit the said Person or Persons to the Common Gaol of the County in which he is a Justice of the Peace, there to remain without Bail or Mainprize for such Time not exceeding Three Months as to the said Justice or Justices of the Peace shall seem fit and meet.

Commissioners of Public Works may appoint Collectors of such Tolls;

XIX. And be it enacted, That it shall and may be lawful to and for the said Commissioners and their Successors to nominate and appoint such Person or Persons to be Receiver or Receivers, Collector or Collectors of the said several Tolls and Duties as they shall think fit; and all Persons by this Act liable to pay the said Tolls or Duties or any of them are hereby required to pay the same, after the Rates aforesaid, to such Receiver or Receivers, Collector or Collectors; and all such Receivers or Collectors shall respectively pay the same, at all Time and Times when thereto required, either to the Treasurer of the said Commissioners, or to such other Person or Persons as the said Commissioners or their Successors shall empower and appoint by Writing under their Hands and Seals for that Purpose; and that such Receiver or Receivers, Collector or Collectors aforesaid shall, upon Oath, if required by the said Commissioners or their Successors, which Oath the said Commissioners are hereby empowered to administer from Time to Time, give in a true, exact, and perfect Account, in Writing under their respective Hands, of all Monies which they or every of them shall to such respective Times have received, paid, and disbursed by virtue of this Act, or by reason of their respective Offices, for which Oath no Fee or Reward shall be taken, and the same may be taken without any Stamp; and in case any such Receiver or Receivers, Collector or Collectors of the said Tolls and Duties shall not make such Account and Payment as is by this Act directed, then any Justice or Justices of the Peace for the *King's County* or Counties of *Galway* or *Tipperary* shall commit such Party or Parties refusing or neglecting so to do to the Public Gaol of the County of which he is a Justice of the Peace, there to remain without Bail or Mainprize until he or they shall have made a true Account and Payment as aforesaid, or compounded for the same with the said Commissioners or their Successors, and paid the Money by every such Composition stipulated to be paid.

and may demise such Tolls.

XX. And be it enacted, That it shall and may be lawful for the said Commissioners or their Successors to demise or let the said Tolls appointed by virtue of this Act, for any Time not exceeding Twenty-one Years; and the said Commissioners or their Successors are hereby required and empowered, under their Hands and Seals, to appoint the said Tenant or Tenants thereof, his or their Servant or Servants, to receive and collect the said Tolls for such Term as aforesaid, and to erect such Toll Gate or Toll Gates as aforesaid; and the said Commissioners are hereby empowered to make and ordain such Rules and Regulations as they or their Successors, or any Two or more of them, shall judge necessary and expedient, for the better collecting the Tolls aforesaid.

XXI. And

Application of Tolls.

XXI. And be it enacted, That the several Tolls by this Act authorized to be collected and taken shall be applied in the first instance towards the Expence of maintaining and repairing the said Bridge at *Portumna;* and in the next place towards the Repayment of any Sum or Sums of Money heretofore advanced or borrowed from the said Commissioners, or any other Commissioner, under any Act or Acts for the Advance of Monies in aid of Public Works in *Ireland,* or paid out of the Consolidated Fund of the United Kingdom by virtue of any such Act or Acts; and that the Surplus arising therefrom, if any, shall be applied and disposed of in such Manner as the Commissioners for executing the Office of Lord High Treasurer shall from Time to Time direct and appoint.

If a Surplus arises, the Tolls to be reduced.

XXII. Provided always, and be it enacted, That when any such Surplus shall arise it shall be lawful to lessen and reduce all or any of the Tolls by this Act authorized to be taken in such Manner as the Commissioners for executing the Office of Lord High Treasurer shall from Time to Time direct and appoint, so that at any Time thereafter the Amount of such Tolls shall not be less or greater than may be requisite to supply the Fund requisite for maintaining and repairing the said Bridge at *Portumna.*

No Ferry Boats shall ply within a certain Distance of the Bridge without Licence.

XXIII. And be it enacted, That no Person or Persons shall keep or maintain any Boat or Boats to ply for Hire over or across the said River at any Place between the Distance of One Mile above and One Mile below the Bridge intended to be built as aforesaid, or to carry or convey for Hire any Passenger or Passengers, Cattle, Carriages, or Goods which is or are subject or chargeable with Toll or Duty by this Act, over or across the said River *Shannon,* except such Person or Persons as shall be licensed or appointed by the said Commissioners or their Successors.

Powers for raising Materials, &c.

XXIV. And be it enacted, That the Architects, Managers, or Persons employed to build the said Bridge, or such other Person or Persons as the said Commissioners or their Successors shall appoint, shall have all and singular the same Powers of raising and carrying away Gravel, Stones, Earth, or other Materials for the Purpose of erecting the said Bridge as are given by the Laws now in force to any Person employed or acting in or for the repairing of Public Roads, and subject to the same Regulations and Restrictions.

Construction of the Word "County."

XXV. And be it enacted, That wherever the Word "County" occurs in this Act the same shall be construed to extend to and comprehend a County of a City or a County of a Town as well as a County at large.

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ANNO QUARTO & QUINTO

GULIELMI IV. REGIS.

****

CAP. LXII.

An Act for improving the Practice and Proceedings in the Court of Common Pleas of the County Palatine of *Lancaster*. [13th *August* 1834]

WHEREAS various Alterations and Improvements have recently been made, by the Authority of Parliament and otherwise, in the Practice and Proceedings in the superior Courts of Common Law at *Westminster*; and it is expedient that certain Alterations and Improvements should be effected in the Practice and Proceedings of the Court of Common Pleas at *Lancaster*: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Process in all personal Actions hereafter to be commenced in the Court of Common Pleas at *Lancaster*, where it is not intended to hold the Defendant to Special Bail, shall, whether the Action be brought by or against any Person entitled to the Privilege of Peerage or of Parliament, or of the said Court, or of any other Court, or to any other Privilege, or by or against any other Person, be according to the Form contained in the Scheduly to this Act annexed marked Number 1, and shall be called a Writ of Summons; and in every such Writ, and Copy thereof, the Place and Residence or supposed Residence of the Party Defendant, or wherein the Defendant shall be or shall be supposed to be, shall be mentioned; and such Writ shall be issued by the Prothonotary of the

Serviceable Process for the Commencement of personal Actions.

the said Court, or his Deputy, and shall be served in the Manner heretofore used in the County Palatine of *Lancaster*, and not elsewhere, and the Person serving the same shall and is hereby required to indorse on the Writ the Day of the Month and Week of the Service thereof.

Mode of Appearance to serviceable Process.

II. And be it further enacted, That the Mode of Appearance to every such Writ or under the Authority of this Act shall be by delivering to the said Prothonotary or his Deputy a Memorandum in Writing, dated on the Day of Delivery thereof, according to the Form contained in the said Schedule and marked Number 2.

Appearance may be enforced by a Writ of Distringas, in case a Defendant cannot be served with the Writ of Summons.

III. And be it further enacted, That in case it shall be made appear by Affidavit to the Satisfaction of the said Court or One of the Judges thereof that any Defendant has not been personally served with any such Writ of Summons as herein-before mentioned, and has not, according to the Exigency thereof, appeared to the Action, and cannot be compelled so to do without some more efficacious Process, then and in any such Case it shall be lawful for such Court or Judge, by Rule or Order, to order a Writ of Distringas to be issued, directed to the Sheriff of the said County of *Lancaster*, (or to any other Officer to be named in such Rule or Order,) to compel the Appearance of such Defendant, which Writ of Distringas shall be in the Form and with the Notice subscribed thereto mentioned in the Schedule to this Act marked Number 3, which Writ of Distringas and Notice, or a Copy thereof, shall be served on such Defendant, if he can be met with, or if not, shall be left at the Place where such Distringas shall be executed; and a true Copy of every such Writ and Notice shall be delivered together therewith to the Sheriff or other Officer to whom such Writ shall be directed, and every such Writ shall be made returnable on a Day certain, to be named therein, not being less than Fifteen Days after the Teste thereof; and if such Writ of Distringas shall be returned Non est inventus and Nulla bona, and the Party issuing out such Writ shall not intend to proceed to Outlawry or Waiver, according to the Authority herein-after given, and any Defendant against whom such Writ of Distringas issued shall not appear at or within Eight Days inclusive after the Return thereof, and it shall be made appear by Affidavit, to the Satisfaction of the said Court or One of the Judges thereof, that due and proper Means were taken and used to serve and execute such Writ of Distringas, it shall be lawful for such Court or Judge to authorize the Party suing out such Writ to enter an Appearance for such Defendant, and to proceed thereon to Judgment and Execution.

Bailable Process for the Commencement of personal Actions.

IV. And be it further enacted, That in all Actions wherein it shall be intended to arrest and hold any Person to Special Bail who may not be in Custody of the Keeper of the Gaol of the said County, the Process shall be by Writ of Capias according to the Form contained in the said Schedule and marked Number 4; and so many Copies of such Process, together with every Memorandum or Notice subscribed thereto, and all Indorsements thereon as there may be Persons intended to be arrested thereon or served therewith, shall be delivered therewith to the Sheriff or other Officer or Person to whom the same may be directed,

directed, or who may have the Execution and Return thereof, and who shall, upon or forthwith after the Execution of such Process, cause One such Copy to be delivered to every Person upon whom such Process shall be executed by him, whether by Service or Arrest, and shall indorse on such Writ the true Day of the Execution thereof, whether by Service or Arrest; and if any Defendant be taken or charged in Custody upon any such Process, and imprisoned for Want of Sureties for his Appearance thereto, the Plaintiff in such Process may, after the Detainer or Arrest of such Defendant, declare against such Defendant, and proceed thereon according to the Practice of the said Court, as against a Defendant in Custody on Mesne Process: Provided always, that it shall be lawful for the Plaintiff or his Attorney to order the Sheriff or other Officer or Person to whom such Writ shall be directed to arrest One or more only of the Defendants therein named, and to serve a Copy thereof on One or more of the others, which Order shall be duly obeyed by such Sheriff or other Officer or Person; and such Service shall be of the same Force and Effect as the Service of the Writ of Summons herein-before mentioned, and no other.

Proceedings to Outlawry.

V. And be it further enacted, That upon the Return of Non est inventus as to any Defendant against whom such Writ of Capias shall have been issued, and also upon the Return of Non est inventus and Nulla bona as to any Defendant against whom such Writ of Distringas as herein-before mentioned shall have issued, whether such Writ of Capias or Distringas shall have issued against such Defendant only, or against such Defendant and any other Person or Persons, it shall be lawful, until otherwise provided for, to proceed to outlaw or waive such Defendant by Writs of Exigi facias and Proclamation, and otherwise, in such and the same Manner as may now be lawfully done upon the Return of Non est inventus to a Pluries Writ of Capias ad respondendum issued after an Original Writ: Provided always, that every such Writ of Exigent, Proclamation, and other Writ subsequent to the Writ of Capias or Distringas shall be made returnable on a Day certain in Term; and every such first Writ of Exigent and Proclamation shall bear Teste on the Day of the Return of the Writ of Capias or Distringas, and every subsequent Writ of Exigent and Proclamation shall bear Teste on the Day of the Return of the next preceding Writ; and no such Writ of Capias or Distringas shall be sufficient for the Purpose of Outlawry or Waiver if the same be returned within less than Fifteen Days after the Delivery thereof to the Sheriff or other Officer to whom the same shall be directed.

Proceedings to Outlawry may be had after Judgment given under the Authority of this Act.

VI. And be it further enacted, That after Judgment given in any Action commenced by Writ of Summons or Capias, under the Authority of this Act, Proceedings to Outlawry or Waiver may be had and taken, and Judgment of Outlawry or Waiver given, in such Manner and in such Cases as may now be lawfully done after Judgment in an Action commenced by Original Writ: Provided always, that every Outlawry or Waiver had under the Authority of this Act shall and may be vacated or set aside by Writ of Error or Motion, in like Manner as Outlawry or Waiver founded on an Original Writ may now be vacated or set aside.

VII. And

Mode of detaining a Prisoner in Gaol.

VII. And be it further enacted, That when it shall be intended to detain in any such Action any Person being in the Custody of the Keeper of the Gaol for the said County of *Lancaster*, the Process of Detainer shall be according to the Form of the Writ of Detainer contained in the said Schedule and marked Number 5, and a Copy of such Process, and of all Indorsements thereon, shall be delivered, together with such Process, to the Keeper of the said Gaol, who shall forthwith serve such Copy upon the Defendant personally, or leave the same at his Room, and the Declaration thereupon shall and may allege the Prisoner to be in Custody in the said Gaol; and the subsequent Proceedings shall be as against Prisoners in Custody upon Mesne Process, according to the Practice of the said Court, unless otherwise ordered by some Rule to be made by the Judges of the said Court.

Duration of Writs.

VIII. And be it further enacted, That no Writ issued as aforesaid by Authority of this Act shall be in force for more than Four Calendar Months from the Day of the Date thereof, including the Day of such Date; but every Writ of Summons and Capias may be continued by Alias and Pluries, as the Case may require, if any Defendant therein named may not have been arrested thereon or served therewith: Provided always, that no first Writ shall be available to prevent the Operation of any Statute whereby the Time for the Commencement of the Action may be limited unless the Defendant shall be arrested thereon or served therewith, or Proceedings to or towards Outlawry shall be had thereupon, or unless such Writ, and every Writ (if any) issued in continuation of a preceding Writ, shall be returned Non est inventus, and entered of Record within One Calendar Month next after the Expiration thereof, including the Day of such Expiration, and unless every Writ issued in continuation of a preceding Writ shall be issued within One such Calendar Month after the Expiration of the preceding Writ, and shall contain a Memorandum indorsed thereon or subscribed thereto, specifying the Day of the Date of the first Writ, and Return to be made, in bailable Process by the Sheriff or other Officer to whom the Writ shall be directed, or his Successor in Office, and, in Process not bailable, by the Plaintiff or his Attorney suing out the same, as the Case may be.

Proviso as to Statute of Limitations.

Proceedings on Writs served or executed at certain Times.

Proviso for Sunday, &c.

IX. And be it further enacted, That when any Writ of Summons, Capias, or Detainer issued by Authority of this Act shall be served or executed, all necessary Proceedings to Judgment and Execution may be had thereon, without Delay, at the Expiration of Eight Days from the Service or Execution thereof: Provided always, that if the last of such Eight Days shall in any Case happen to fall on a *Sunday*, *Christmas Day*, *Good Friday*, or any Day appointed for a Public Fast or Thanksgiving, in any of such Cases the following Day shall be considered as the last of such Eight Days.

Indorsement on Writs of the Name, &c. of the Attorney or Party suing.

X. And be it further enacted, That upon every Writ to be issued as aforesaid by Authority of this Act the Name or Firm and the Place of Business or Residence of the Attorney or Attornies issuing such Writ shall be indorsed thereon, and where such Attorney or Attornies shall be Agents only, then there shall be further indorsed thereon the Name or Firm and Place of Business or Residence of the

principal Attorney or Attornies, but in case no Attorney or Attornies shall be employed for that Purpose, then a Memorandum shall be indorsed thereon, expressing that the same has been sued out by the Plaintiff in Person, mentioning the City, Town, or Parish, and also the Name of the Hamlet, Street, and Number of the House of such Plaintiff's Residence, if any such there be.

Service of Writs of Summons on Corporations, and on Inhabitants of Hundreds and Towns.

XI. And be it further enacted, That every such Writ of Summons issued against a Corporation Aggregate may be served on the Mayor or other Head Officer, or on the Town Clerk, Clerk, Treasurer, or Secretary of such Corporation; and every such Writ issued against the Inhabitants of a Hundred or other like District may be served on the High Constable thereof, or any One of the High Constables thereof; and every such Writ issued against the Inhabitants of the County of *Lancaster*, or the Inhabitants of any Franchise, Liberty, Town, or Place, not being Part of a Hundred or other like District, on some Peace Officer thereof.

Proceedings in default of Appearance.

XII. And be it further enacted, That all such Proceedings as are mentioned in any Writ, Notice, or Warning to be issued as aforesaid under this Act shall and may be had and taken in default of a Defendant's Appearance or putting in Special Bail, as the Case may be.

Attorney to declare whether Writ issued by his Authority and Name, &c. of his Client, if ordered; if Writ not issued by Authority of the Attorney, Defendant may be discharged.

XIII. And be it further enacted, That every Attorney whose Name shall be indorsed on any Writ issued as aforesaid by Authority of this Act shall, on Demand in Writing made by or on behalf of any Defendant, declare forthwith whether such Writ has been issued by him, or with his Authority or Privity, and if he shall answer in the Affirmative, then he shall also, in case the said Court, or one of the Judges thereof, shall by Rule or Order so order and direct, declare in Writing, within a Time to be allowed by such Court or Judge, the Profession, Occupation, or Quality, and Place of Abode of the Plaintiff, on pain of being guilty of a Contempt of the said Court; and if such Attorney shall declare that the Writ was not issued by him, or with his Authority or Privity, the said Court, or any Judge thereof, shall and may, if it shall appear reasonable so to do, make an Order for the immediate Discharge of any Defendant or Defendants who may have been arrested on any such Writ, on entering a common Appearance.

Proviso for Persons privileged from Arrest.

XIV. Provided always, and be it further enacted, That nothing in this Act contained shall subject any Person to Arrest, Outlawry, or Waiver, who, by reason of any Privilege, Usage, or otherwise, may now by Law be exempt therefrom, or shall extend to any Cause removed into the said Court by Writ of Pone loquelam, Accedas ad curiam, Certiorari, Recordari facias loquelam, Habeas corpus, or otherwise.

As to Writs for Commencement

XV. And be it further enacted, That from the Time when this Act shall commence and take effect the Writs herein-before authorized

of personal Actions.

rized shall be the only Writs for the Commencement of Personal Actions in the said Court in the Cases to which such Writs are applicable.

Power to state a Special Case without proceeding to Trial.

XVI. And be it further enacted, That it shall be lawful for the Parties in any Action depending or to be depending in the said Court of Common Pleas at *Lancaster*, after Issue joined by Consent, and by Order of One of the Judges of the same Court, to state the Facts of the Case in the Form of a Special Case for the Opinion of the said Court, or of One of the Superior Courts of Common Law at *Westminster*, and to agree that a Judgment shall be entered for the Plaintiff or Defendant by Confession or of Nolle prosequi, immediately after the Decision of the Case, or otherwise, as the Court before which such Case shall be heard may think fit, and Judgment shall be entered accordingly.

Judges may make Rules for altering and regulating the Mode of pleading and transcribing Records, and touching the Admission of Documents.

XVII. And be it further enacted, That it shall and may be lawful for the Judges of the said Court of Common Pleas at *Lancaster* for the Time being, or any Two of them, from Time to Time to make such Orders, Rules, and Regulations for altering and regulating the Mode of pleading in that Court, and for altering the Mode of entering and transcribing Pleadings, Judgments, and other Proceedings in Actions at Law therein, and touching the voluntary Admission, upon any Application for that Purpose at a reasonable Time before the Trial of any Action of one Party to the other, of all such written or printed Documents, or Copies of Documents, as are intended to be offered in Evidence on the said Trial by the Party requiring such Admission, and touching the Inspection thereof before such Admission is made, and touching the Costs which may be incurred by the Proof of such Documents or Copies on the Trial of the Cause, in case of the omitting to apply for such Admission, or the not producing of such Documents or Copies for the Purpose of obtaining Admission thereof, or of the Refusal to make such Admission, as the Case may be, and as to the said Judges of the said Court for the Time being, or any Two of them, shall seem meet.

Writs of Inquiry under the Statute 8 & 9 W. 3. c. 11. to be executed before the Sheriff, unless otherwise ordered.

XVIII. And be it further enacted, That all Writs of Inquiry of Damages hereafter to be issued by the Court of Common Pleas at *Lancaster*, under and by virtue of the Statute passed in the Session of Parliament held in the Eighth and Ninth Years of the Reign of King *William* the Third, intituled *An Act for the better preventing frivolous and vexatious Suits*, shall, unless the said Court, or One of the Judges thereof, shall otherwise order, direct the Sheriff of the said County of *Lancaster* to summon a Jury to appear before him, instead of the Justices or Justice of Assize of and for the said County, to inquire of the Truth of the Breaches suggested, and assess the Damages that the Plaintiff shall have sustained thereby, and shall command the said Sheriff to make Return thereof to the said Court on a Day certain in such Writ to be mentioned, and such Proceedings shall be had after the Return of such Writ as are in the said Statute in that Behalf mentioned, in like Manner as if such Writ had been executed before a Justice of Assize or Nisi Prius.

XIX. And

XIX. And be it further enacted, That every other Writ of Inquiry to be issued by the said Court of Common Pleas at *Lancaster* shall be made returnable on any Day certain to be named in such Writ. Return of other Writs of Inquiry.

XX. And be it further enacted, That in any Action depending in the said Court of Common Pleas at *Lancaster* for any Debt or Demand in which the Sum sought to be recovered and indorsed on the Writ of Summons shall not exceed Twenty Pounds it shall be lawful for the said Court or any Judge thereof, if such Court or Judge shall be satisfied that the Trial of the said Action will not involve any difficult Question either of Law or Fact, and such Court or Judge shall think fit so to do, to order and direct that the Issue or Issues joined shall be tried before the Sheriff of the said County Palatine of *Lancaster*, or any Judge of any Court of Record for the Recovery of Debt in such County, and for that Purpose a Writ shall issue, directed to such Sheriff or Judge, commanding him to try such Issue or Issues by a Jury to be summoned by him, and to return such Writ, with the Finding of the Jury thereon indorsed, at a Day certain to be named in such Writ, and thereupon such Sheriff or Judge shall summon a Jury, and shall proceed to try such Issue or Issues. Power to direct Issues joined in certain Actions to be tried before the Sheriff or any Judge.

XXI. And be it further enacted, That at the Return of every Writ of Inquiry, or Writ for the Trial of such Issue or Issues as aforesaid, Costs shall be taxed, Judgment signed, and Execution issued forthwith, unless the Sheriff or his Deputy before whom such Writ of Inquiry may be executed, or such Sheriff, Deputy, or Judge before whom such Trial shall be had, shall certify, under his Hand, upon such Writ, that Judgment ought not to be signed until the Defendant shall have had an Opportunity to apply to the said Court of Common Pleas at *Lancaster*, or One of the Judges thereof, for a new Inquiry or Trial, or the said Court, or One of the Judges thereof, shall think fit to order that Judgment or Execution shall be stayed till a Day to be named in such Order; and the Verdict of such Jury on the Trial of such Issue or Issues shall be as valid and of the like Force as a Verdict of a Jury at the Assizes; and the Sheriff or his Deputy or Judge presiding at the Trial of such Issue or Issues shall have the like Powers, with respect to the Amendment on such Trial, as are given to Judges at Nisi Prius by an Act passed in the Third and Fourth Years of the Reign of His present Majesty, intituled *An Act for the further Amendment of the Law, and the better Advancement of Justice.* Upon the Return of Inquiry or Writ for Trial of Issues, Judgment may be signed, unless, &c. 3 & 4 W. 4. c. 42.

XXII. Provided always, and be it further enacted, That notwithstanding any Judgment signed or Execution issued as aforesaid by virtue of this Act, it shall be lawful for the said Court of Common Pleas at *Lancaster* to order such Judgment to be vacated and Execution to be stayed or set aside, and to enter an Arrest of Judgment, or grant a new Trial or new Writ of Inquiry, as Justice may appear to require; and thereupon the Party affected by such Writ of Execution shall be restored to all that he may have lost thereby in such Manner as upon the Reversal of a Judgment by Writ of Error or otherwise, as the Court may think fit to direct. Judgment may be vacated, Execution stayed, and new Trial granted.

XXIII. And,

Defendant to be allowed to pay Money into Court in certain Actions.

XXIII. And be it further enacted, That it shall be lawful for the Defendant in all personal Actions, except Actions for Assault and Battery, false Imprisonment, Libel, Slander, malicious Arrest or Prosecution, Criminal Conversation, or debauching of the Plaintiff's Daughter or Servant, by Leave of the said Court of Common Pleas at *Lancaster* or One of the Judges thereof, to pay into Court a Sum of Money by way of Compensation or Amends, in such Manner, and under such Regulations as to the Payment of Costs and the Form of pleading, as the Judges of the said Court shall, by any Rules or Orders by them to be from Time to Time made, order and direct.

Power to appoint additional Judges.

XXIV. And whereas it would tend to further the Administration of Justice in the said Court of Common Pleas at *Lancaster* if more of the Judges of the superior Courts at *Westminster* were appointed Justices for all manner of Pleas within the said County Palatine of *Lancaster;* be it therefore enacted, That it shall and may be lawful to and for the King's most Excellent Majesty, in right of His Duchy and County Palatine of *Lancaster*, from Time to Time to nominate and appoint all or any of the Judges of the superior Courts at *Westminster* to be Judges of the Court of Common Pleas for the County Palatine of *Lancaster:* Provided nevertheless, that the Judges before whom the Assizes for the said County Palatine of *Lancaster* shall from Time to Time be held, and their respective Officers, shall alone be entitled to the Fees and Emoluments heretofore received by the Judges of the said County Palatine and their Officers.

Judges of superior Courts at Westminster may regulate Fees to be taken in Court of Common Pleas at Lancaster.

XXV. And be it further enacted, That the Judges of the superior Courts of Common Law at *Westminster*, or any Eight or more of them, of whom the Chief of each of the said Courts shall be Three, may, by any Rule or Order to be from Time to Time after this Act shall take effect, make such Regulations as to the Fees to be charged by all and every or any of the Officers of the said Court of Common Pleas at *Lancaster* and the Attornies thereof as to them may seem expedient, and to alter the same when and as it may seem fit and proper, so as such Fees shall not exceed the Fees now received; and all such Regulations shall be binding and obligatory on the said Court of Common Pleas at *Lancaster*, and all the Officers and Attornies of the said Court.

Rules for new Trials to be moved before any of the Courts at Westminster.

XXVI. And be it further enacted, That it shall be lawful for any Party in any Action now depending or hereafter to be depending in the said Court of Common Pleas at *Lancaster* to apply by Motion to any One of the superior Courts at *Westminster* sitting *in Banco*, within such Period of Time after the Trial as Motions of the like Kind shall from Time to Time be permitted to be made in the said superior Court, for a Rule to show Cause why a new Trial should not be granted or Nonsuit set aside, and a new Trial had or a Verdict entered for the Plaintiff or Defendant, or a Nonsuit entered, as the Case may be, in such Action, which Court is hereby authorized and empowered to grant or refuse such Rule, and afterwards to proceed to hear and determine the Merits thereof, and to make such Orders thereupon as the same Court shall think proper; and in case such Court shall order

a new Trial to be had in any such Action the Party or Parties obtaining such Order shall deliver the same, or an Office Copy thereof, to the Prothonotary of the said Court of Common Pleas at *Lancaster*, or his Deputy, and thereupon all Proceedings upon the former Verdict or Nonsuit shall cease; and the Action shall proceed to Trial at the next or some other subsequent Session of Assizes holden for the County of *Lancaster*, in like Manner as if no Trial had been had therein; or in case the Court before which any such Rule shall be heard shall order the same to be discharged, the Party or Parties obtaining any such Order may, upon delivering the same or an Office Copy thereof to the said Prothonotary, or his Deputy, be at liberty to proceed in any such Action as if no such Rule Nisi had been obtained; or if a Verdict be ordered to be entered for the Plaintiff or Defendant, or a Nonsuit be ordered to be entered, as the Case may be, Judgment shall be entered accordingly.

Judgment and Execution not to be stayed, unless the Party moving enter into Recognizance with Sureties.

XXVII. Provided always, and be it further enacted, That the entering up of Judgment in any Action in the said Court of Common Pleas at *Lancaster*, and the issuing of Execution upon such Judgment, shall not be stayed unless the Party intending to apply for such Rule as last aforesaid shall, with Two sufficient Sureties such as the last-mentioned Court shall approve of, become bound unto the Party for whom such Verdict or Nonsuit shall have been given or obtained, by Recognizance, to be acknowledged in the same Court, in such reasonable Sum as the same Court shall think fit, to make and prosecute such Application as aforesaid, and also to satisfy and pay, if such Application shall be refused, the Debt, or Damages and Costs adjudged and to be adjudged in consequence of the said Verdict or Nonsuit, and all Costs and Damages to be awarded for the delaying of Execution thereon.

Not to take away Power of Court to grant a new Trial.

XXVIII. Provided also, and be it further enacted, That nothing herein contained shall prevent the said Court of Common Pleas at *Lancaster* from granting any new Trial, or setting aside any Nonsuit, or entering a Nonsuit, or altering a Verdict as heretofore.

Service of Subpœna on Witnesses in any Part of England and Wales shall be valid to compel Appearance.

XXIX. And be it further enacted, That the Service of every Writ of Subpœna hereafter to be issued out of the said Court of Commons Pleas at *Lancaster*, and served upon any Person in any Part of *England* or *Wales*, shall be as valid and effectual in Law, and shall entitle the Party suing out the same to all and the like Remedies, by Action or otherwise howsoever, as if the same had been served within the Jurisdiction of the said Court of Common Pleas at *Lancaster*; and in case such Person so served shall not appear according to the Exigency of such Writ, it shall be lawful for the same Court or One of the Judges thereof, upon Oath or Affirmation to be taken in open Court, or upon an Affidavit, of the personal Service of such Writ, to transmit a Certificate of such Default, under the Hand of One of the Judges of the same Court, to the Court of King's Bench in *England*; and the said last-mentioned Court shall and may thereupon proceed against and punish, by Attachment or otherwise, according to the Course and Practice of the same Court, the Person so having made Default, in such and the like Manner as they might

have done if such Person had neglected or refused to appear in obedience to a Writ of Subpœna issued to compel the Attendance of Witnesses out of such last-mentioned Court.

Expence of Attendance on Writs of Subpœna shall be tendered to Witnesses.

XXX. Provided always, and be it further enacted, That the said Court of King's Bench shall not in any Case proceed against or punish any Person, nor shall any such Person be liable to any Action, for having made Default by not appearing to give Evidence in obedience to any Writ of Subpœna or other Process for that Purpose issued under the Authority of this Act, unless it shall be made to appear to the Court that a reasonable and sufficient Sum of Money to defray the Expences of coming and attending to give Evidence, and of returning from giving such Evidence, had been tendered to such Person at the Time when such Writ of Subpœna was served upon such Person.

Where final Judgment shall be obtained in the Court, and the Person or Effects cannot be found within its Jurisdiction, any of the superior Courts at Westminster may issue Execution, &c.

XXXI. And be it further enacted, That whenever a Plaintiff or Defendant in any Action or Suit in which Judgment shall be recovered in the said Court of Common Pleas at *Lancaster* shall remove his Person or Goods or Chattels from or out of the Jurisdiction of the said Court of Common Pleas at *Lancaster*, it shall and may be lawful for any of the superior Courts at *Westminster*, upon a Certificate from the Prothonotary of the said Court of Common Pleas at *Lancaster*, or his Deputy, of the Amount of final Judgment obtained in any such Action, to issue a Writ or Writs of Execution thereupon for the Amount of such Judgment, and the Costs of such Writ or Writs and Certificate, to the Sheriff of any County, City, Liberty, or Place, against the Person or Persons or Goods of the Party or Parties against whom such final Judgment shall have been obtained, in such Manner as upon Judgments obtained in any of the said Courts at *Westminster*.

If Rules of the Court cannot be enforced, they may be made Rules of one of the superior Courts at Westminster.

XXXII. And be it further enacted, That in case any Rule of the said Court of Common Pleas at *Lancaster* cannot be enforced by reason of the Non-residence of any Party or Parties within the Jurisdiction thereof, it shall be lawful, upon a Certificate of such Rule by the Prothonotary of the said Court, and an Affidavit that by reason of such Non-residence such Rule cannot be enforced as aforesaid, to make such Rule a Rule of any one of the said Courts at *Westminster*, if such Court shall think fit, whereupon such Rule shall be enforced as a Rule of such Court.

Test and Date of Writs and Returns of Executions.

XXXIII. And be it further enacted, That all Writs issued out of the said Court of Common Pleas at *Lancaster* shall be tested in the Name of the Chief Justice of that Court, or, in case of a Vacancy of such Office, in the Name of One of the other Judges thereof; and that every Writ of Venire facias juratores, issued out of the same Court, shall bear Date on the Day next preceding the First Commission Day of each Assizes, unless such Commission Day shall be on a *Monday*, and then on the *Saturday* preceding; and that every Writ of Habeas corpora juratorum shall bear Date on the Day of the Return of the Venire facias juratores; and that all other Writs, except Writs of Exigent and Proclamation, shall respectively bear

Date on the Day on which the same shall be issued; and that all Writs of Execution may, if the Party suing out the same shall think fit, be made returnable immediately after the Execution thereof.

Power to adopt Rules to be made for the superior Courts at Westminster.

XXXIV. And be it further enacted, That whenever by any Act of Parliament, or by or under the Authority of any Act of Parliament, or by any Rule or Order of any of His Majesty's superior Courts at *Westminster*, or of any of the Judges of the same, any Rules, Orders, or Regulations shall be made for the Purpose of framing, regulating, or amending the Proceedings, Practice, or Pleadings of any of the said superior Courts at *Westminster*, it shall be lawful for the Judges of the said Court of Common Pleas at *Lancaster*, or any Two of them, by Rule or Order to be made in that Behalf, to adopt, *mutatis mutandis*, all or any of such Rules, Orders, or Regulations, or any Part or Parts thereof, as to the said last-mentioned Judges shall seem fit.

Costs of preparing Pleadings.

XXXV. And be it further enacted, That the Costs to be from Time to Time allowed for preparing Pleadings in Actions in the said Court of Common Pleas at *Lancaster* shall be the same as shall be allowed for preparing Pleadings of a like Description in Actions in the superior Courts at *Westminster*.

Commencement of Act.

XXXVI. And be it further enacted, That this Act shall commence and take effect on the First Day of *September* One thousand eight hundred and thirty-four.

Act may be altered this Session.

XXXVII. And be it further enacted, That this Act may be amended, altered, or repealed during the present Session of Parliament.

SCHE-

SCHEDULE to which this Act refers.

No. 1.

WRIT OF SUMMONS.

WILLIAM THE FOURTH, *et cetera.*

To *C. D.* of, *et cetera*, in the County of Lancaster, Greeting: WE command you [*or* as before, *or* often We have commanded you], that within Eight Days after the Service of this Writ on you, inclusive of the Day of such Service, you do cause an Appearance to be entered for you in Our Court of Common Pleas at Lancaster, in an Action on Promises [*or as the Case may be*] at the Suit of *A.B.*; and take notice, that in default of your so doing the said *A.B.* may cause an Appearance to be entered for you, and proceed therein to Judgment and Execution.

Witness at Lancaster, the Day of in the Year of Our Reign.

Memorandum to be subscribed on the Writ.

N.B.—This Writ is to be served within Four Calendar Months from the Date thereof, including the Day of such Date, and not afterwards.

Indorsement to be made on the Writ before Service thereof.

This Writ was issued by *E.F.* of Attorney for the Plaintiff or Plaintiffs within named.

or,

This Writ was issued by of Agent for *G.H.* of Attorney for the Plaintiff or Plaintiffs within named.

or,

This Writ was issued in person by the Plaintiff or Plaintiffs within named who resides or reside at [*mention the City, Town, or Parish, and also the Name of the Hamlet, Street, and Number of the House of the Plaintiff's Residence, if any such.*]

Indorsement to be made on the Writ after Service thereof.

This Writ was served by me *X. Y.* on on the Day of One thousand eight hundred and

X. Y.

No. 2.

FORMS OF ENTERING AN APPEARANCE.

A. B. Plaintiff against *C. D.* *or* against *C. D.* and another, *or* against *C. D.* and others.	The Defendant *C. D.* appears in person. *E. F.*, Attorney for *C. D.*, appears for him. *G. H.*, Attorney for the Plaintiff, appears for the Defendant *C. D.* according to the Statute.

Entered the Day of One thousand eight hundred and

No. 3.

WRIT OF DISTRINGAS.

WILLIAM THE FOURTH, *et cetera.*

To the Sheriff of Lancashire, Greeting:

WE command you, that you omit not by reason of any Liberty in your Bailiwick, but that you enter the same and distrain upon the Goods and Chattels of *C.D.* for the Sum of Forty Shillings, in order to compel his Appearance in Our Court of Common Pleas at Lancaster, to answer *A.B.* in a Plea of Trespass on the Case [*or* Debt, *as the Case may be*]; and how you shall execute this Our Writ you make known to Our Justices at Lancaster on the Day of now next ensuing.

Witness at Lancaster, the Day of in the Year of Our Reign.

Notice to be subscribed to the foregoing Writ.

In the Court of Common Pleas at Lancaster:

Between *A. B.* Plaintiff,
and
C. D. Defendant.

M^r. *C. D.*

Take notice, that I have this Day distrained upon your Goods and Chattels in the Sum of Forty Shillings, in consequence of your not having appeared in the said Court to answer to the said *A. B.*, according to the Exigency of a Writ of Summons bearing Teste on the Day of and that in default of your Appearance to the present Writ within Eight Days inclusive after the Return hereof, the said *A. B.* will cause an Appearance to be entered for you, and proceed thereon to Judgment and Execution; *or* (*if the Defendant be subject to Outlawry*) will cause Proceedings to be taken to outlaw you.

No. 4.

WRIT OF CAPIAS.

WILLIAM THE FOURTH, *et cetera.*

To the Sheriff of Lancashire,
or
To the Coroners of the County of Lancaster,
or
[*as the Case may be*], Greeting:

WE command you [*or* as before, *or* often We have commanded you], that you omit not by reason of any Liberty in your Bailiwick, but that you enter the same and take *C.D.* of
if he shall be found in your Bailiwick, and him safely keep until he shall have given you Bail, or made Deposit with you, according to Law, in an Action on Promises [*or* of Debt, *et cetera,*] at the Suit of *A.B.*, or until the said *C.D.* shall by other lawful Means be discharged from your Custody: And We do further command you, that on Execution hereof you do deliver a Copy hereof to the said *C.D.*: And We do hereby require the said *C.D.* to take notice, that within Eight Days after Execution hereof on him, inclusive of the Day of such Execution, he should cause Special Bail to be put in for him in Our Court of Common Pleas at Lancaster to the said Action, and that in default of his so doing such Proceedings may be had and taken as are mentioned in the Warning hereunder written or indorsed hereon: And we do further command you the said Sheriff [*or* Coroners, *or as the Case may be*], that immediately after the Execution hereof you do return this Writ to Our said Court, together with the Manner in which you shall have executed the same, and the Day of the Execution hereof; or that if the same shall remain unexecuted, then that you do so return the same at the Expiration of Four Calendar Months from the Date hereof, or sooner, if you shall be thereto required by Order of the said Court or by any Judge thereof.

Witness at Lancaster, the
Day of in the Year of Our Reign.

Memoranda to be subscribed to the Writ.

N.B.—This Writ is to be executed within Four Calendar Months from the Date thereof, including the Day of such Date, and not afterwards.

A Warning to the Defendant.

1. If a Defendant being in Custody shall be detained on this Writ, or if a Defendant being arrested thereon shall go to Prison for Want of Bail, the Plaintiff may declare against any such Defendant on or before the Third Commission Day of the Assizes (exclusive of a Sunday) next after such Detainer or Arrest, and proceed thereon to Judgment and Execution.

2. If

2. If a Defendant being arrested on this Writ shall have made a Deposit of Money, according to the Statute Seventh and Eighth of George the Fourth, Chapter Seventy-one, and shall omit to enter a Common Appearance to the Action, the Plaintiff will be at liberty to enter a Common Appearance for the Defendant, and proceed thereon to Judgment and Execution.

3. If a Defendant having given Bail on the Arrest shall omit to put in Special Bail, as required, the Plaintiff may proceed against the Sheriff, or on the Bail Bond.

4. If a Defendant, having been served only with this Writ, and not arrested thereon, shall not enter a Common Appearance within Eight Days after such Service, the Plaintiff may enter a Common Appearance for such Defendant, and proceed thereon to Judgment and Execution.

Indorsements to be made on the Writ of Capias.

Bail for Pounds by Affidavit;

or,

Bail for Pounds by Order of [*naming the Judge making the Order*]. Dated the Day of .

This Writ was issued by *G. H.* of Attorney for the Plaintiff [*or* Plaintiffs] within named.

or,

This Writ was issued by of Agent for *E. F.* of Attorney for the Plaintiff [*or* Plaintiffs] within named.

or,

This Writ was issued in Person by the Plaintiff or Plaintiffs within named, who resides or reside at [*mention the City, Town, or Parish, and also the Name of the Hamlet, Street, and Number of the House of the Plaintiff's Residence, if any such there be.*]

No. 5.

WRIT OF DETAINER.

WILLIAM THE FOURTH, *et cetera.*

To the Sheriff of Lancashire, Greeting:

WE command you, that you detain *C. D.* if he shall be found in your Custody at the Delivery hereof to you, and him safely keep in an Action on Promises [*or* of Debt, *et cetera, as the Case may be,*] at the Suit of *A. B.*, until he shall be lawfully discharged from your Custody: And We do further command you, that on Receipt hereof you do warn the said *C.D.* by serving a Copy hereof on him, that within Eight Days after Service of such Copy, inclusive of the Day of such Service, he do cause Special Bail to be put in for him, in Our Court of Common Pleas at Lancaster, to the said Action; and that in default of his so doing the said *A.B.* may declare against him on or before the Third Commission Day of the Assizes (exclusive of Sunday) next after

after his Detainer, and proceed thereon to Judgment and Execution: And We do further command you the said Sheriff, that immediately after the Service hereof you do return this Our Writ, or a Copy hereof, to Our said Court, together with the Day of the Service hereof.

Witness at Lancaster, the
Day of in the Year of Our Reign.

N.B.—This Writ is to be indorsed in the same Manner as the Writ of Capias, but not to contain the Warning on that Writ.

LONDON: Printed by GEORGE EYRE and ANDREW SPOTTISWOODE,
Printers to the King's most Excellent Majesty. 1834.

ANNO QUARTO & QUINTO

GULIELMI IV. REGIS.

****

CAP. LXIII.

An Act to defray the Charge of the Pay, Clothing, and contingent and other Expences of the Disembodied Militia in *Great Britain* and *Ireland;* and to grant Allowances in certain Cases to Subaltern Officers, Adjutants, Paymasters, Quartermasters, Surgeons, Assistant Surgeons, Surgeons Mates, and Serjeant Majors of the Militia, until the First Day of *July* One thousand eight hundred and thirty-five. [13th *August* 1834.]

WHEREAS it is necessary that Provision should be made for defraying the Charge of the Pay, Clothing, and contingent and other Expences of the Regular Militia, and of the Miners of *Cornwall* and *Devon,* when disembodied, in *Great Britain* and *Ireland;* and for making in certain Cases Allowances of Reduced Pay to Subaltern Officers and Surgeons Mates and Assistant Surgeons of the Regular Militia, and of the Miners of *Devon* and *Cornwall,* while disembodied; and Allowances to Adjutants, Paymasters, Surgeons, Quatermasters, and Serjeant Majors of the Regular Militia, who have been or may be reduced, and to Adjutants, Surgeons, and Quartermasters disabled after long Service: Be

it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Secretary at War for the Time being may and shall, and he is hereby authorized, empowered, and required to cause to be issued and paid the whole Sum required for the Regular Militia of *Great Britain* and *Ireland* (when disembodied), in the Manner and for the several Uses herein-after mentioned; (that is to say,) for the Pay of the said Regular Militia at the Rates following; (that is to say,)

Secretary at War to issue the Money required for the Pay of the Regular Militia.

Rates of Pay.

For each Adjutant, Eight Shillings *per Diem*:

For each Serjeant Major, having been Serjeant Major of a Provisional Battalion of Militia, Two Shillings and Sixpence *per Diem*:

For each Serjeant Major, where One is appointed in Corps consisting of Two or more Companies, One Shilling and Ten-pence *per Diem*:

For each Serjeant having been a Colour Serjeant in one of the Provisional Battalions of Militia, Two Shillings *per Diem*:

For each Serjeant doing the Duty of Quartermaster Serjeant, One Shilling and Ten-pence *per Diem*:

For each Serjeant, One Shilling and Sixpence *per Diem*:

For each Drum Major, where One is appointed in Corps consisting of Eight or more Companies, One Shilling and Sixpence *per Diem*:

For each Drummer, One Shilling *per Diem*:

Rates of Pay when absent on Furlough.

Provided always, that when any Serjeant Major, Serjeant, Drum Major, or Drummer shall be absent on Furlough or Licence, he shall during such Absence receive Sixpence *per Diem* less than the above-mentioned Rates respectively:

Clothing.

And also for the Clothing of the Regular Militia (when disembodied), in Cases in which full Clothing shall be provided by the Colonel or Commandant, at the Rate of Five Pounds Twelve Shillings and One Penny for each Serjeant Major and Serjeant doing the Duty of Quartermaster Serjeant; Three Pounds for each Serjeant; Two Pounds Eighteen Shillings and Seven-pence for each Drum Major and Drummer; and One Pound Seventeen Shillings for each Private Man; and so in proportion, in the Cases in which only Part of the Clothing shall be provided by the Colonel or Commandant, together with the actual Expence of Package and Carriage, and such Charges for altering and fitting the Clothing as shall have been notified by the Secretary at War: Provided always, that such Serjeant Majors, Serjeants acting as Quartermaster Serjeants, Drum Majors, Serjeants, and Drummers as were serving on the Disembodied Staff on the First Day of *June* One thousand eight hundred and twenty-nine, and shall be resident at Head Quarters, shall be entitled to be clothed Once in Two Years; and that such as shall have been subsequently appointed to serve or promoted on the Disembodied Staff shall be entitled to be clothed Once in Four Years:

Contingent Fund.

And also at the Rate of One Penny *per* Month for each Private Man and Drummer or Fifer, for defraying the contingent Expences of each Regiment, Battalion, or Corps.

Adjutant, &c. to reside where the Arms of the Corps are kept.

II. And be it further enacted, That every Adjutant, Non-commissioned Officer, and Drummer on the Staff of the Regular Militia, when disembodied, shall be constantly resident within the City, Town, or Place where the Arms of the Corps to which they belong are kept, or within such reasonable Distance of the Depôt as shall be sanctioned by the Secretary at War: Provided always, that every such Adjutant, Non-commissioned Officer, and Drummer shall forfeit his Pay for any Period during which he shall be absent, except when absent by Leave from the Colonel or Commandant of the Regiment, Battalion, or Corps, which Leave shall not, except in case of certified Sickness, extend beyond Three Calendar Months in One Year, nor to a greater Proportion than One Third of the Non-commissioned Officers and Drummers at the same Time.

Adjutant to have Charge of the Arms and Clothing; and to issue the Money for contingent Expences on an Order signed by the Colonel.

Balance to form a Stock Purse.

III. And be it further enacted, That the Adjutant of each Regiment of Militia shall have the Charge and Care of the Arms, Accoutrements, Great Coats, Clothing, Necessaries, and other Stores under the Superintendance of the Colonel or Commandant; and shall out of the Allowance of One Penny *per* Month for each Private Man and Drummer, directed by this Act to be issued and paid for defraying the contingent Expences of such Regiment, Battalion, or Corps, from Time to Time issue and pay such Sums of Money as may be necessary for the Repair of Arms, and other usual contingent Expences, upon an Order in Writing signed by the Colonel or other Commandant; and after Payment of such Sums as aforesaid, he shall Three Times in the Year make up Accounts of all such Money, and of the Expenditure thereof, showing the Balance remaining in his Hands, (which said Balance shall form a Stock Purse for the Use of the Regiment, Battalion, or Corps,) and shall transmit the same to the Colonel or other Commandant of such Regiment, Battalion, or Corps, to be by him examined, allowed, and signed; and the said Accounts so allowed and signed shall be and are hereby directed to be the proper Vouchers and Acquittal of such Adjutant for the Application and Disposal of such Money.

In Absence of the Adjutant, the Serjeants, &c. to be under the Command of the Serjeant Major.

IV. And be it further enacted, That in the occasional and unavoidable Absence of the Adjutant from the City, Town, or Place where the Arms of any Corps of Militia when disembodied are kept, or during any Vacancy in the Appointment of Adjutant, the Serjeants and Drummers shall be under the Command of the Serjeant Major, or of some Serjeant who shall be appointed by the said Adjutant, with the Approbation of the Colonel or other Commanding Officer, to act as Serjeant Major during the Absence of such Adjutant; and the said Serjeant Major or acting Serjeant Major shall render the same Returns and perform such other Acts as are by Law required from the Adjutant.

Militia when called out for Training or Exercise entitled to Pay.

V. And be it further enacted, That the Officers and Non-commissioned Officers, Drummers, and Private Men of the Regular Militia shall, for the Period or Periods during which they shall be called out for the Purpose of Exercise or Training, be entitled to the same Pay and Allowances as the Officers, Non-commissioned Officers, Drummers, and Private Men of the Militia when embodied.

VI. And

Allowances to Subalterns and Surgeons Mates and Assistant Surgeons.

VI. And whereas it is expedient to grant Allowances to certain Officers of the said Militia Forces of *Great Britain* and *Ireland*, while disembodied, under certain Regulations; be it further enacted, That the following Allowances shall be made and paid, to the Amount, under the Restrictions, and in the Manner herein-after expressed, to every Subaltern Officer and Surgeon's Mate in *Great Britain*, and to every Subaltern Officer and Assistant Surgeon in *Ireland*, who held a Commission in the Militia of *Great Britain* or *Ireland*, and was serving therein, when the Corps was last disembodied, and also to every Supernumerary Subaltern Officer and Assistant Surgeon of any Regiment of Militia in *Ireland* which was augmented during the War, and which has been reduced to its original Establishment; (that is to say,)

To a Lieutenant, Two Shillings and Sixpence *per Diem*:
To an Ensign, Two Shillings *per Diem*:
And to a Surgeon's Mate or Assistant Surgeon, Two Shillings and Sixpence *per Diem*:

Rank of certain Officers.

Provided always, that for the Purposes of this Act all Officers of the Militia serving with the Rank of Captain-Lieutenants shall be deemed to be Lieutenants, and all Officers serving with the Rank of Second Lieutenant shall be deemed to be Ensigns; and that the Supernumerary Subalterns and Assistant Surgeons of Regiments of Militia in *Ireland* as aforesaid shall be deemed to have belonged to such Regiments when they were last disembodied, and to have continued to serve therein from that Time.

Certain Persons not entitled to Allowances.

VII. Provided also, and be it further enacted, That no Person who is or shall during the Continuance of this Act become possessed of such an Estate or Income as would by Law qualify him to hold the Commission of Captain of a Company in the said Militia, or who is or shall be appointed Adjutant in any Regiment, Battalion, or Corps of Militia, nor any Officer on Full Pay of the Navy, Army, or Marines, shall have or be in any way entitled to the said Allowances, or any Part or Share thereof; any thing herein contained to the contrary thereof in anywise notwithstanding.

Oath to be taken to entitle Officers, &c. to such Allowances.

VIII. And be it further enacted, That the Subaltern Officers, Surgeons Mates, and Assistant Surgeons of the Militia, who shall claim under the Authority of this Act to receive any Part of the said Allowances, shall, previous to receiving the same, and in order to entitle themselves thereto, take and subscribe an Oath before some one of His Majesty's Justices of the Peace of the United Kingdom, or before some one of His Majesty's Ministers, Secretaries of Embassy, of Legation, or Consuls Abroad, in the Words or to the Effect following; (*videlicet*,)

Form of Oath.

'I *A. B.* do swear, That I belonged to the
' of Militia when the same was disembodied, and that I have
' continued to serve therein from that Time until the
' Day of inclusive, as a [Lieutenant, Ensign,
' Surgeons Mate, *or* Assistant Surgeon, *as the Case may be*]; and
' that I was not in my own Right, or in the Right of my Wife, during
' any

'any Part of the Period for which I now claim to receive my 'Allowance, that is to say, from the Day of 'to the Day of both 'inclusive, in the actual Possession and Enjoyment or Receipt of the 'Rents and Profits of Lands, Tenements, or Hereditaments of such 'an annual Value above Reprizes as would qualify me to hold a 'Commission of Captain of a Company in the Militia; that I was 'not in Holy Orders; that I have not during the above Period held 'the Appointment of Adjutant, Surgeon, Paymaster, or Quarter-'master in any Regiment, Battalion, or Corps of Militia; that I did 'not hold or enjoy, nor did any Person for me hold or enjoy, during 'the said Period, any Place, Office, or Employment of Profit, Civil 'or Military, under the Crown or any other Government, besides 'the Allowance of a Day now claimed, except 'my Half Pay as a [of the Army *or* Navy *or* 'Marines, *or* of a Provisional Battalion formed from the Militia, '*as the Case may be*], and any Pay and Allowances from the 'to the both Days inclusive, during which 'Period the Corps was assembled for Training and Exercise.

'So help me GOD.'

Which Oath, so taken and subscribed, shall be produced to the Paymaster General of His Majesty's Forces by the Subaltern Officer, Surgeon's Mate, or Assistant Surgeon claiming the Allowance.

Allowances to Officers reduced in 1829.

IX. And be it further enacted, That the Allowances granted to certain Paymasters, Surgeons, and Quartermasters of the Militia of *Great Britain* and *Ireland*, on their being reduced in pursuance of an Act passed in the Tenth Year of the Reign of His Majesty King *George* the Fourth, shall be issued and paid, under the Restrictions and in the Manner herein-after expressed, during the Continuance of this Act, and that it shall be lawful for the Secretary at War to place any such Paymaster, Surgeon, or Quartermaster when unfit for further Duty upon a retired Allowance equal to and in lieu of his reduced Allowance.

Oath to be taken by Officers claiming the said Allowances.

X. And be it further enacted, That every Paymaster, Surgeon, and Quartermaster of Militia, who shall claim under the Authority of this Act to receive any Part of the said Allowances, shall, previous to receiving the same, and in order to entitle himself thereto, take and subscribe an Oath before some one of His Majesty's Justices of the Peace in the United Kingdom, or before some one of His Majesty's Ministers, Secretaries of Embassy or of Legation, or Consuls Abroad, in the Words or to the Effect following; (*videlicet*,)

Form of Oath.

'I *A. B.* do swear, That I was serving as [Paymaster, Surgeon, *or* 'Quartermaster, *as the Case may be*,] in the of 'Militia, at the Reduction of the Staff of the said Militia, in One 'thousand eight hundred and twenty-nine; and that I was not in 'Holy Orders during any Part of the Period for which I now claim 'to receive an Allowance, that is to say, from the Day 'of One thousand eight hundred and to the 'Day of One thousand eight hundred and '; and that I did not hold or enjoy, nor did any Person 'for me hold or enjoy, during any Part of the said Period, any

‘ Place, Office, or Employment of Profit, Civil or Military, under
‘ the Crown or any other Government, besides the Allowance of
‘ a Day now claimed, except my Half Pay as a
‘ [of the Army *or* Navy *or* Marines, *or* of a Provisional Battalion
‘ formed from the Militia, *as the Case may be*,] and except my Pay
‘ and Allowances from the to the both
‘ Days inclusive, during which Period the Militia
‘ was assembled for Training and Exercise. So help me GOD.’

Which Oath, so taken and subscribed, shall be produced to the Paymaster General of His Majesty's Forces by the Paymaster, Surgeon, or Quartermaster claiming the Allowance: Provided always, that any Paymaster, Surgeon, or Quartermaster receiving such Allowance, and being on Naval or Military Half Pay, or entitled to any Allowance as having served in any of His Majesty's Regular Forces, or Navy or Marines, shall, notwithstanding such Militia Allowance, be entitled to receive such Half Pay or Allowance.

Out-Pension to Reduced Corporals and Drummers not to be received while serving.

XI. And whereas certain Corporals and Drummers of the Militia of the United Kingdom of *Great Britain* and *Ireland* were, in pursuance of the Provisions of an Act passed in the Tenth Year of the Reign of His Majesty King *George* the Fourth, struck off the Establishment of the Disembodied Staff, and placed on the Out-Pension of Five-pence a Day, although not unfit for further Service; be it further enacted, That no Corporal or Drummer so placed on the Pension of Five-pence *per Diem* shall be entitled to receive the said Pension for any Period during which he shall be receiving Pay in the Militia.

Subalterns, Mates, &c. to attend the Exercise, &c.

XII. And be it further enacted, That every Paymaster, Surgeon, or Quartermaster, on the reduced Allowance, and every Subaltern Officer, Surgeon's Mate, and Assistant Surgeon of the Militia, who shall be entitled or claim to be entitled to any Allowances as aforesaid, shall regularly attend the Exercise and Training of the Regiment, Battalion, or Corps to which he belongs during the whole of the Time it shall be assembled for that Purpose, and shall during the said Time punctually do and perform his Duty as a Paymaster, Surgeon, Quartermaster, Subaltern Officer, Surgeon's Mate, or Assistant Surgeon of such Regiment, Battalion, or Corps, on pain of forfeiting the said Allowance, as well as all Arrears of the said Allowance and of Pay; and a Certificate of his having so attended and performed his Duty, signed by the Commanding Officer of the Regiment, Battalion, or Corps to which he may belong, shall be transmitted to the Paymaster General by the Officer claiming the Allowance: Provided always, that in case any such Paymaster, Surgeon, Quartermaster, Subaltern Officer, Surgeon's Mate, or Assistant Surgeon, claiming to be entitled to such Allowance, shall by his Commanding Officer be permitted or suffered, for any special Cause or unavoidable Necessity, to be absent during the Whole or any Part of such Exercise, for which Purpose it shall be lawful for such Commanding Officer to grant such Leave of Absence, then and in such Case it shall be lawful for such Paymaster, Surgeon, Quartermaster, Subaltern Officer, Surgeon's Mate, or Assistant Surgeon, who may be so permitted to be absent, and have such Leave in Writing, to demand and receive

Commanding Officer may grant Leave of Absence.

the

the said Allowance and every Part thereof in like Manner as if he had attended during the whole of the said Exercise: Provided always, that the Reason for such Absence, as well as the Duration thereof, shall be carefully and truly specified in a Certificate (in lieu of that before mentioned), to be signed by the Commanding Officer, and to be furnished as soon as conveniently may be to the Paymaster General.

If the Regiment be not called out before the Time fixed for the Payment, the Allowance shall be paid, on taking the Oath, without Certificate of Attendance.

XIII. Provided always, and be it further enacted, That in case any Regiment, Battalion, or Corps of Militia shall not, before the Time fixed for the Payment of the said Allowances, be called out for the Exercise and Training thereof, every Paymaster, Surgeon, Quartermaster, Subaltern Officer, Surgeon's Mate, and Assistant Surgeon belonging to any such Regiment, Battalion, or Corps, and coming within the aforesaid Benefits of this Act, who shall have taken and subscribed the Oath herein-before mentioned before any Justice of the Peace as aforesaid, shall be entitled to the said Allowance as if he had regularly attended the Exercise and Training of such Regiment, Battalion, or Corps during the whole of the Time by Law appointed for that Purpose, and as if a Certificate of such Attendance, signed by the Commanding Officer of the Regiment, Battalion, or Corps, had been furnished.

Allowances to be paid quarterly.

XIV. And be it further enacted, That upon such Oaths and Certificates as aforesaid, or where any Regiment of Militia shall not have been called out to their Exercise as aforesaid, upon the said Oaths being produced to the Paymaster General, it shall be lawful for the Paymaster General, and he is hereby authorized and required, to pay to the said Paymasters, Surgeons, Quartermasters, Subaltern Officers, Surgeons Mates, and Assistant Surgeons their respective Allowances above mentioned, for the usual quarterly or other proper Periods, without any Deduction whatsoever, the Oaths and Certificates before mentioned to be by him preserved and produced as Vouchers for the Payments.

On Neglect of Attendance, Subalterns, &c. shall forfeit their Claim to the Allowance.

XV. And be it further enacted, That the Paymasters, Surgeons, Quartermasters, Subaltern Officers, Surgeons Mates, and Assistant Surgeons of Militia, entitled or claiming to be entitled to the aforesaid reduced or disembodied Allowances, shall at all Times be liable to serve in the respective Regiments, Battalions, or Corps to which they belong whenever the same shall be embodied and called out upon active Service; and in case of Neglect or Refusal to attend when called upon, on such Occasion or on such other Occasions as may be required in pursuance of the Laws in force respecting the Militia when disembodied, each and every such Paymaster, Surgeon, Quartermaster, Subaltern Officer, Surgeon's Mate, and Assistant Surgeon shall, on such Neglect or Refusal being certified to the Secretary at War, and, in respect of the Militia of *Great Britain*, to the Lord Lieutenant of the County, by the Colonel or other Commandant of the Regiment, Battalion, or Corps to which such Paymaster, Surgeon, Quartermaster, Subaltern, Surgeon's Mate, or Assistant Surgeon shall belong, forfeit his Claim to the said Allowance and every Part thereof, and shall also be considered as having resigned and vacated his Commission to all Intents and Purposes whatsoever.

XVI. And

Allowance not to be paid while the Militia is embodied.

XVI. And be it further enacted, That nothing in this Act contained shall extend or be construed to extend to entitle any Paymaster, Surgeon, Quartermaster, Subaltern Officer, Surgeon's Mate, or Assistant Surgeon as aforesaid, to the said Allowance, or any Part thereof, during the Time the Militia to which he belongs shall be embodied or assembled for Training and Exercise.

Persons on Half Pay, or entitled to Allowance as having served in the Army or Navy, empowered to receive Pay, &c. during Training.

XVII. Provided always, and be it further enacted, That any Person being on Naval or Military Half Pay, or being entitled to any Allowance as having served in any of His Majesty's Forces or Navy or Marines, and serving in the Militia, shall and may and he is hereby empowered to receive and take the Pay and Allowances by this Act directed to be paid to the Field Officers, Captains, Lieutenants, Ensigns, Adjutants, Quartermasters, Surgeons, Surgeons Mates, and Assistant Surgeons, when assembled for annual Training; and the receiving and taking any such Pay and Allowances by any such Field Officer, Captain, Lieutenant, Ensign, Adjutant, Quartermaster, Surgeon, Surgeon's Mate, or Assistant Surgeon shall not prevent such Person on Half Pay, or being entitled to any such Allowance, from receiving his Half Pay or such Allowance: Provided always, that such Person shall, in the Oath to be taken for the Receipt of the Half Pay or such Allowance, declare that he has received or is entitled to such Militia Pay and Allowances, and shall specify the Militia Rank which entitles him to the same.

Adjutants, &c. Non-commissioned Officers or Privates, not to lose their Right to Chelsea Pensions, &c.

XVIII. Provided always, and be it further enacted, That no Adjutant, Quartermaster, Non-commissioned Officer, Drummer, or Private Man in the Regular Militia, entitled to receive any *Chelsea* or *Kilmainham* Pension or Allowance on account of Service in the Regular Army, shall forfeit or lose his Right to the same by reason of his serving and receiving Pay in the Regular Militia; nor shall any Quartermaster, Subaltern, Surgeon's Mate, or Assistant Surgeon forfeit or lose his Right to receive any such *Chelsea* or *Kilmainham* Pension or Allowance by reason of his receiving the Allowance by this Act granted to him when disembodied.

Allowance to be made for Medicines.

XIX. And be it further enacted, That there shall be granted for each Regiment of Regular Militia, when disembodied, a Sum of Money after the Rate of One Guinea for every One hundred Men of each such Regiment, for the Expence of necessary Medicines for the sick Non-commissioned Officers, Drummers, Fifers, and Private Men of such Regiment, during the Period or Periods of Assembly for Exercise or Training; and also an Allowance of Two-pence *per* Week for each of the Non-commissioned Officers and Drummers of each Regiment on the Disembodied Staff at Head Quarters, for the Expence of necessary Medicines and Attendance given to the said Non-commissioned Officers and Drummers while such Regiment is not called out for Training and Exercise.

Adjutants appointed before 24 Dec. 1814 entitled to receive,

XX. And be it further enacted, That every Adjutant of Regular Militia appointed as such before the Twenty-fourth Day of *December* One thousand eight hundred and fourteen, who shall have served faithfully, either in His Majesty's Regular Forces, or in the Regular

or Local Militia, for the full Term of Twenty Years in the whole, whereof Ten shall have been in Service as an Adjutant of Regular Militia, and who shall be by Age or Infirmity rendered unfit for further Service, shall, on producing to the Secretary at War a Certificate of such Service of Twenty Years as aforesaid from the Commanding Officers of the different Corps to which he shall have belonged, and upon obtaining an Order from the Secretary at War founded upon such Certificate, be entitled to receive, and the Paymaster General shall and he is hereby authorized to pay to such Person, an Allowance at the Rate of Eight Shillings *per Diem*: Provided always, that no Person shall be entitled to receive such Allowance as aforesaid who shall hold any Military Office or Employment of Profit under His Majesty or any other Government; and that no Person who before the First Day of *June* One thousand eight hundred and twenty-nine held any Civil Place or Employment of Profit under His Majesty, or in the Colonies or Possessions of His Majesty beyond the Seas, or under any other Government, shall receive any Part of the said Allowance for any Time during which he held such Civil Place or Employment, except in the Cases in which the Emoluments of such Civil Place or Employment shall not exceed Three Times the Amount of the said Allowance, and unless in such excepted Cases His Majesty's Consent to the holding of such Civil Place or Employment shall have been signified through the Secretary at War; and that no Person appointed on or after the First Day of *June* One thousand eight hundred and twenty-nine to any Civil Place or Employment of Profit under His Majesty, or in the Colonies or Possessions of His Majesty beyond the Seas, or under any other Government, shall receive any Part of the said Allowance for any Time during which he shall hold such Civil Place or Employment: Provided always, that any Adjutant appointed after the Twenty-fourth Day of *December* One thousand eight hundred and fourteen, who shall have served faithfully, either in His Majesty's Regular Forces or in the Regular or Local Militia, for the full Term of Thirty Years in the whole, whereof Fifteen shall have been in Service as an Adjutant of Regular Militia, and who shall be by Age or Infirmity rendered unfit for further Service, shall, upon producing to the Secretary at War a Certificate of such Service of Thirty Years as aforesaid from the Commanding Officers of the different Corps to which he shall have belonged, and upon obtaining an Order from the Secretary at War founded upon such Certificate, be entitled to receive an Allowance at the Rate of Six Shillings a Day, in like Manner and subject to the same Restrictions and Conditions as the aforesaid Allowance of Eight Shillings: Provided also, that no such Adjutant shall lose any Right he may have to Half Pay or Out-Pension by reason of receiving such Allowance of Eight Shillings or Six Shillings a Day as aforesaid, but shall be entitled to receive such Half Pay or Out-Pension as well as such Allowance.

after a Service of Twenty Years, if unfit for further Service, an Allowance of 8*s.* per Day;

provided they do not hold certain other Appointments.

Adjutants appointed since 24 Dec. 1814, entitled to receive, after Thirty Years Service, &c. an Allowance of 6*s.* per Day.

Right to Half Pay reserved.

XXI. And whereas certain Allowances have been granted in pursuance of former Acts to Adjutants, Surgeons, and Quartermasters of Regular Militia who have by Age or Infirmity been rendered unfit for further Service; be it further enacted, That such Allowances shall be issued and paid, during the Continuance of this Act, in like

Allowances to Adjutants, Surgeons, and Quartermasters.

Manner and subject to the same Restrictions as the Allowances granted by this Act to Adjutants who shall by Age or Infirmity be rendered unfit for further Service: Provided always, that no Person receiving such Allowance shall by reason thereof forfeit his Right to any Half Pay to which he may be entitled.

Right to Half Pay reserved.

Reduced Adjutants to receive 4s. per Day till 30th June 1835.

XXII. And be it further enacted, That in case any Regiment, Battalion, or Corps of Militia shall have already ceased and determined or been reduced in its Establishment, or shall cease and determine or be reduced in its Establishment during the Continuance of this Act, the Sum of Four Shillings *per Diem* shall be paid to such Person as was or shall be actually serving as Adjutant to such Regiment, Battalion, or Corps at the Time of Reduction from the Thirtieth Day of *June* One thousand eight hundred and thirty-four, or from the Time such Regiment shall cease and determine or be reduced in its Establishment, (as the Case may be,) to the Thirtieth Day of *June* One thousand eight hundred and thirty-five, in like Manner and subject to the same Restrictions and Conditions as the Allowances granted by this Act to Adjutants who shall by Age or Infirmity be rendered unfit for further Service: Provided always, that no such Reduced Adjutant shall lose any Right he may have to Half Pay of the Navy, Army, Marines, or Provisional Battalion formed from the Militia by reason of receiving such Allowance as last aforesaid, but shall be entitled to receive such Half Pay as well as such Allowance.

Right to Half Pay reserved.

Adjutants and Serjeant Majors entitled to Allowance under 39 & 40 G. 3. c. 44.

XXIII. And whereas certain Adjutants and Serjeant Majors are entitled to and have received certain Allowances in consequence of having been reduced under the Provisions of an Act passed in the Thirty-ninth and Fortieth Years of the Reign of His Majesty King *George* the Third, which Allowances have been continued, and as to such Adjutants augmented to Four Shillings *per Diem;* be it therefore enacted, That all such Adjutants and Serjeant Majors shall be entitled to receive and shall receive such Allowance from the Thirtieth Day of *June* One thousand eight hundred and thirty-four to the Thirtieth Day of *June* One thousand eight hundred and thirty-five.

Reduced Adjutants may take such Allowance with any Pay or other Allowance under 39 & 40 G. 3. c. 44. and 26 G. 3. c. 107.

XXIV. And be it further enacted, That every Reduced Adjutant entitled to any Allowance granted under the said Act of the Thirty-ninth and Fortieth Years aforesaid, and continued by any subsequent Acts or by this Act, may receive and take such Allowance, together with any Full Pay, Half Pay, or Allowance which was tenable, together with such Reduced Allowance, under the Provisions of an Act passed in the Twenty-sixth Year of the Reign of His Majesty King *George* the Third, intituled *An Act for amending and reducing into One Act of Parliament the Laws relating to the Militia in that Part of* Great Britain *called* England, or under the Provisions of the aforesaid Acts of the Thirty-ninth and Fortieth Years of the Reign of His Majesty King *George* the Third: Provided always, that no such Reduced Adjutant shall be entitled to receive any Allowance under this Act during the Time he shall hold any Military Office of Profit under His Majesty other than such as aforesaid, or under any other

Proviso.

other Government, or any Civil Office or Employment under His Majesty or any other Government, otherwise than according to the Provisions of this Act in relation to the Allowances granted to Adjutants on account of Age or Infirmity.

Restrictions as to Allowances to Reduced Adjutants of the Local Militia.

XXV. And whereas certain Allowances have been granted to Reduced Adjutants of the Local Militia; be it further enacted, That the said Allowances shall be issued and paid during the Continuance of this Act in like Manner and subject to the same Restrictions as the Allowances of the Paymasters, Surgeons, and Quartermasters of the Regular Militia who were reduced in the Year One thousand eight hundred and twenty-nine: Provided always, that in the Cases in which any such Local Militia Adjutants have been permitted to receive the said Allowances whilst holding any Civil Offices under the Crown, to which Offices they had been appointed previously to the Twenty-eighth Day of *July* One thousand eight hundred and twenty-eight, it shall be lawful to continue the Payment of the said Allowances under the same Regulations and Restrictions as those under which the Permission was originally granted.

Allowances to Clerks of General and Subdivision Meetings in England.

XXVI. And be it further enacted, That in every County in *England* and *Wales*, when the Regular Militia is or shall be raised, Allowances shall be made to the Clerks of General Meetings and to the Clerks of Subdivision Meetings of Lieutenancy for their Trouble and Expences in the due Execution of an Act passed in the Forty-second Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for amending the Law relating to the Militia in* England, *and for augmenting the Militia*, and of any other Acts relating to the said Militia; and also to the Clerks of General Meetings and the Clerks of Subdivision Meetings of Lieutenancy for their Trouble and Expences in the due Execution of an Act passed in the Thirty-seventh Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for the better raising and ordering the Militia Forces of the Tower Hamlets in the County of* Middlesex, and any other Acts relating to the said Militia; and also to the Clerks of General Meetings and the Clerks of Subdivision Meetings of the Lord Warden and Deputy Wardens of the Stannaries of *Cornwall* and *Devon* for their Trouble and Expences in the due Execution of an Act passed in the Forty-second Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for repealing an Act made in the Thirty-eighth Year of the Reign of His present Majesty King* George *the Third, intituled* '*An Act for raising a Body of Miners in the* '*Counties of* Cornwall *and* Devon *for the Defence of the Kingdom* '*during the present War*,' *and for the more effectually raising and regulating a Body of Miners for the Defence of* Great Britain, and of any other Acts relating to the said Militia; and in every County, Stewartry, City, or Place in *Scotland* where the Regular Militia is or shall be raised Allowances shall also be made to the Clerks of General Meetings and Clerks of the several Subdivision Meetings, and to Schoolmasters, Constables, and other Officers, for their Trouble and Expences in the due Execution of an Act passed in the Forty-second Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to raise and establish a Militia in* Scotland, and of any other Acts relating to the said Militia.

42 G. 3. c. 90.

37 G. 3. c. 25.

42 G. 3. c. 72.

Allowances to such Officers and others in Scotland.

42 G. 3. c. 91.

XXVII. And

Manner of granting Allowances.

XXVII. And be it further enacted, That the said Allowances shall be granted as follows; (*videlicet,*) the Account shall be certified by the Lieutenant of the County, Stewartry, City, or Place, or by Two or more Deputy Lieutenants acting for such County, Stewartry, City, or Place, or by the Lord Warden of the Stannaries of *Cornwall* and *Devon*, or by Two or more Deputy Wardens of the Stannaries of *Cornwall* and *Devon*; and the Clerks of General and Subdivision Meetings in *Great Britain*, and the Schoolmasters, Constables, and other Officers in *Scotland*, shall make Oath to the Justness of the Accounts, in the following Terms respectively, before some Justice of the Peace; *videlicet*,

Clerks, &c. to make Oath of the Justness of their Accounts.

Oath of a Clerk of General or Subdivision Meetings.

'I do swear, That the preceding Account, so far as regards my Interest therein, is a just and true Account or Business performed by me for and in behalf of the Public Service, according to the Manner therein set forth; and the Sums claimed as disbursed were actually paid by me.'

Oath of a Schoolmaster, Constable, or other Officer in Scotland.

'I do swear, That I am the Parochial Schoolmaster [*or* Constable *or other Officer*] of the District of in the Subdivision of the County of ; and that the preceding Account is a just and true Account of Business actually performed by myself for and in behalf of the Public Service, according to the Manner therein set forth; and that I was employed on such Business the full Time therein stated; and that the Sums claimed as disbursed were actually paid by me.'

And the said Accounts shall be transmitted to the Secretary at War, who is hereby empowered to issue the Allowances according to the Rates specified in the Table to this Act annexed, or such Sums as he shall think reasonable and proper.

Deputy Lieutenants may require the Attendance of any Surgeon residing near the Place of Meeting for Appeals.

XXVIII. And whereas it is expedient that the Deputy Lieutenants acting in any Subdivision of any County, Stewartry, City, or Place in *Great Britain*, and the Special Deputy Wardens acting in any Subdivision in the Stannaries of the Counties of *Cornwall* and *Devon*, should be assisted by the Advice of a Surgeon in deciding upon the Appeals of Persons claiming to be exempt from Service in the Militia by reason of bodily Infirmity, and upon the Fitness for Service of the Persons presenting themselves for Inrolment; be it therefore enacted, That it shall be lawful for any Two Deputy Lieutenants, and they are hereby empowered and required, to summon, by Two Days previous Notice in Writing, any competent Surgeon residing at or nearest to the Place where any Meeting for Appeals or Inrolment shall be held, to attend at such Meeting; and every such Surgeon shall, before he begins any such Examination, take the following Oath, which Oath any Deputy Lieutenant is hereby authorized to administer; *videlicet*,

Oath to be taken by Surgeon.

'I do swear, That I will, to the best of my Ability, faithfully and truly report as to the Fitness for Service of the Man or Men about to be submitted to my Examination; and that I

'will not receive from any of them any Fee or Reward whatever for 'any such Examination.'

Allowance to Surgeon.

And every such Surgeon shall receive for each Day's Attendance at such Meeting a Sum not less than Half a Guinea nor exceeding Two Guineas, according to the Extent of the Duty performed: Provided always, that the Accounts and Vouchers upon which the said Allowances shall be recommended by the Deputy Lieutenants of the respective Subdivisions shall be transmitted to the Secretary at War, with the Accounts of the Lieutenancy Clerks, for Examination and Payment.

Pay, &c. to be issued under Directions of the Secretary at War.

XXIX. And be it further enacted, That all Sums of Money granted for the Pay, Clothing, contingent and other Expences, and for the Allowances to the Officers and Men of the Regular and Local Militia when disembodied, shall be issued and paid under the Direction of the Secretary at War, by the Acceptance of Bills or otherwise, according to such Regulations as have been or shall be established on that Head.

Bills drawn for Pay, &c. may be on unstamped Paper.

XXX. And be it further enacted, That all Bills, Drafts, and Orders drawn for Pay or Allowances under this Act may be or shall be drawn upon unstamped Paper; and no such Bill, Draft, or Order shall be void by reason of being drawn or written on unstamped Paper.

No Fee to be taken.

XXXI. Provided always, and be it further enacted, That no Fee or Gratuity whatsoever shall be given or paid for or upon account of any Warrant or Sum of Money which shall be issued in relation to or in pursuance of this Act.

Expence of House for depositing Arms and Stores of the Militia in Ireland, &c. to be defrayed by the County.

XXXII. And be it further enacted, That the Hire of any House or Place to be provided for the keeping of the Arms, Accoutrements, Clothing, or other Stores, and for the Residence and Accommodation of the Adjutant belonging to any Regiment or Battalion of Militia in *Ireland*, when not embodied, shall be defrayed by the County; and the necessary Sum for that Purpose shall be raised by the Presentment of the Grand Jury of the said County, and which Presentment the Grand Jury of the County is hereby authorized and required to pass, on a Certificate signed by the Chief Secretary of the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being, or, in the Absence of such Chief Secretary, by the Under Secretary or by the First Clerk in the Military Department, and specifying the Rent agreed to be paid for the same; which Certificate shall be transmitted by such Chief or Under Secretary or First Clerk to the Clerk of the Crown for such County, or at any Time prior to the First Day of the Assizes for such County, or if in the County or County of the City of *Dublin*, then prior to the First Day of the Presenting Term: Provided that in no Case any greater Rent than Fifty Pounds Currency of the United Kingdom of *Great Britain* and *Ireland* shall be presented by such Grand Jury for the annual Rent of such House or Place.

Provision as to Amount of Rent.

Lord Lieutenant may order the

XXXIII. Provided always, and be it enacted, That it shall and may be lawful for the Lord Lieutenant or other Chief Governor or

Arms of Militia of Ireland to be deposited in the Ordnance Stores in Dublin.

Governors of *Ireland* for the Time being (if he or they shall see sufficient Cause for so doing) to order and direct that the Arms, Accoutrements, and other Stores, or any Part thereof, belonging to any Regiment or Battalion of the said Militia, shall, at any Time while such Regiment or Battalion shall not be embodied or in actual Service, be conveyed to and deposited and kept in any of His Majesty's Ordnance Stores in the City of *Dublin*, or to and in any such Ordnance Store, or to and in any other Place of Security, in any other Part in *Ireland*, as he or they shall from Time to Time order or direct, and under such Rules and Regulations as he or they shall think fit and proper in that Behalf.

Provisions of this Act relating to Counties shall extend to Ridings, Stewartries, &c.

XXXIV. And be it further enacted, That all Provisions, Directions, Clauses, Matters, and Things in this Act contained, relating to Counties and to Regiments of Militia respectively, shall extend and be construed to extend to all Ridings, Shires, Stewartries, Cities, and Places, and to all Battalions, Corps, and independent Companies respectively, and to the Corps of Miners of *Cornwall* and *Devon*, as fully and effectually as if they were respectively repeated in every such Provision, Direction, Clause, and with relation to every such Matter or Thing.

Continuance of Act.

XXXV. And be it further enacted, That this Act shall take effect and continue in force from the Thirtieth Day of *June* One thousand eight hundred and thirty-four until the First Day of *July* One thousand eight hundred and thirty-five.

TABLE

TABLE to which this Act refers.

SCALE of RATES of Remuneration to the Clerks of General and Subdivision Meetings of Lieutenancy in Great Britain, including the Clerks of the Tower Hamlets and the Stannaries of Cornwall and Devon, and to Schoolmasters, Constables, and other Officers in Scotland, for carrying into execution Two Acts of Parliament passed in the Forty-second Year of the Reign of King George the Third, Cap. 90. and 91., and other Acts relating to the Militia.

ALLOWANCES TO THE CLERKS OF GENERAL MEETINGS.

	£	s.	d.
1. For Trouble in calling a General Meeting by Circular Letters or Advertisements (no separate Charge being made for writing the Letters or framing the Advertisements) -	0	7	6
2. For attending General Meetings, at which the Statutory Quorum of Lieutenancy shall be present, each - -	5	5	0
For each Meeting which shall be necessarily adjourned by the Clerk in consequence of the Absence of the Lord Lieutenant or Deputy Lieutenants - - -	1	11	6
Which Allowances are to be in full for engrossing Minutes, et cetera.			
3. For filling up printed Precepts to the High or Chief Constable of each Subdivision, Hundred, Lathe, Rape, or Wapentake in England and Wales, including the Tower Hamlets and the Stannaries of Cornwall and Devon, to return Lists, each	0	0	6
For filling up printed Precepts to the Schoolmasters, Chief Constables, or other Officers in Scotland, to return Lists, each - - - - - - - -	0	0	6
4. For writing the annual Advertisements for regulating, arranging, and fixing the First Subdivision Meeting of the Deputy Lieutenants for receiving the Parochial Lists and hearing Appeals - - - - - - - - -	0	7	6
5. For arranging Subdivision Lists and making Abstracts thereof, Schedule (D.), for the Privy Council, the Secretary of State, and the Secretary at War; the latter Copy to be annexed to the Clerk's Accounts as a Voucher; videlicet,			
In Counties furnishing a Quota of 200 Men or under in the original Number of the Militia - -	2	2	0
In Counties furnishing from 201 to 400 Men - -	3	3	0
Ditto - - - 401 to 600 Men - -	4	4	0
Ditto - - - 601 to 800 Men - -	5	5	0
Ditto - - - 801 Men and upwards -	6	6	0
6. For striking the Proportion of Men to serve for the several Hundreds, Rapes, Lathes, Wapentakes, or other Divisions of a County in England and Wales, and for each respective Parish or other Division of a County or Stewartry in Scotland, under the several Acts of Parliament relating to the regular Militia, when necessary to be done:			
In Counties furnishing a Quota of 200 Men or under -	1	1	0
Ditto - - - from 201 to 400 Men -	2	2	0
Ditto - - - from 401 to 600 Men -	3	3	0
Ditto - - - from 601 to 800 Men -	4	4	0
Ditto - - - - from 801 Men and upwards	5	5	0

	£	s.	d.
7. For Trouble in engrossing in a Book the Names of the Men contained in each Subdivision Return of Inrolment (Schedule E.):			
For engrossing 50 Names and under - -	0	5	0
Ditto - 51 to 150 Names - - -	0	10	0
Ditto - - 151 to 250 Names - - - -	1	0	0
Ditto - 251 Names and upwards - -	1	10	0
8. For drawing out fair Copy of the Lord Lieutenant's Annual Return of the Militia for the County, containing the Number, Names, and Rank of the Officers, and the Number of the Non-commissioned Officers, Drummers, and Private Men:			
In Counties furnishing One Regiment, Battalion, or Corps - - - - - -	0	15	0
Ditto - - Two - Ditto - -	1	10	0
Ditto - - Three - Ditto - -	2	0	0
No separate Charge being made for Attendance upon the Lord Lieutenant or Deputy Lieutenants for his or their Signatures thereto.			
Note.—This Allowance is of course only chargeable by the General Clerks for those Counties in Scotland which furnish the greatest Proportion of Men towards the Formation of the Regiment, Battalion, or Corps.			
9. For Stationery:			
To the Clerk of General Meetings in a County where the Number in the original Quota of the Militia is under 300 Men - - - - - -	2	0	0
Ditto - from 301 to 600 Men - -	3	0	0
Ditto - from 601 to 900 Men - - -	4	0	0
Ditto - from 901 Men and upwards - -	5	0	0
10. For Copyings, Correspondence, et cetera, et cetera:			
To the Clerk of General Meetings in a County where the Number in the original Quota of the Militia is 200 Men or under - - - - - -	2	0	0
In a County furnishing from 201 to 400 Men - -	3	0	0
Ditto - - from 401 to 600 Men - -	4	0	0
Ditto - - - from 601 to 800 Men - -	5	0	0
Ditto - - from 801 Men and upwards -	6	0	0
11. The actual Amount expended for printing and publishing the Advertisements, for Postages, Expresses, and Messengers, to be allowed upon an Account, specifying each Article of Postage, et cetera, certified specially by the Lieutenancy, whose Certificate shall state that the same were necessary and actually performed.			
The Charge for printing and publishing Advertisements is invariably to be supported by the Receipt of the Person to whom paid.			
TRAINING AND EXERCISE.			
12. For filling up printed Notices to the Clerks of Subdivision Meetings of the Time and Place fixed by the Lord Lieutenant or Deputy Lieutenants for assembling the Militia to be trained and exercised, each Notice - -	0	0	6
13. For making out correct Abstracts from the Adjutant's or other Commanding Officer's Returns, Schedule (F.), in the Form Schedule (G.), for His Majesty's Secretary of State for the Home Department, in Counties in England and			

	£	s.	d.
Scotland furnishing a Quota towards the Formation of an entire Regiment or Battalion - - - - -	1	0	0
In Counties in England, Wales, and Scotland, furnishing One Regiment, Battalion, or Corps - - -	2	0	0
Ditto - - Two - Ditto - -	3	0	0
Ditto - - Three - Ditto - -	4	0	0

ALLOWANCES TO CLERKS OF SUBDIVISION MEETINGS.

14. For Trouble in calling a Subdivision Meeting by Advertisement, no separate Charge being made for writing Letters or framing Advertisement - - - - - -	0	5	0
Or, for calling a Meeting by Circular Letters to the Deputy Lieutenants, the Adjutant, or other Commanding Officer, (no Charge being made for the Draft,) for each Letter -	0	1	0
15. For attending Subdivision Meetings, for each of the Three first or principal Meetings at which the Statutory Quorum of Lieutenancy shall be present, videlicet, For receiving Lists and hearing Appeals, For ballotting, For inrolling, And for the Meeting held to apportion the Deficiencies among the Parishes, et cetera, when necessary to be done; and also for calling out the Quota or Apportionment of the Subdivision to be trained and exercised; which Allowance shall be in full for engrossing Minutes and making up Lists - - - -	2	2	0
And for each Meeting held by Adjournment to complete the Business of any or either of the Three first or principal Meetings above enumerated, which Allowance shall be in full for engrossing Minutes and making up Lists - -	1	5	0
And for each Meeting which shall have been summoned, but which is necessarily postponed by the Subdivision Clerk in consequence of the Absence of the Deputy Lieutenant - - - - - - - - -	0	15	0
16. For filling up printed Precepts to the Chief or High Constables in England and Wales, including the Tower Hamlets and Stannaries of Cornwall and Devon, to give Notice of the Number of Men apportioned to serve for each Parish, and to issue out their Orders to the Petty Constables to serve Notices upon ballotted Men, each Precept - - - - - - - -	0	0	6
And for filling up printed Precepts to the Schoolmasters, Chief Constables, or other Officers in Scotland, for the Performance of similar Duty, each Precept - -	0	0	6
17. For Trouble in amending the Returns of Persons liable to serve in the Regular Militia, by taking out the Names of all Persons who may appeal, and whose Appeals or Claims of Exemption have been allowed, and inserting the Names of any Persons that have been omitted to be inserted, and in numbering the Returns, and making out the Tickets for the Balloting, after the Rate of Two Pounds for every One thousand Names of Persons returned liable to serve, and so in proportion for a greater or smaller Number of Men - - - - - - - -	£2 per 1,000		
18. For making out the Annual Abstracts of Lists, Schedule (C.), for the Use of the Clerk of General Meetings, where the original Quota or Appointment of the Subdivision is - 50 Men and under - - - -	2	2	0

	£	s.	d.
From 51 to 150 Men - - - - -	3	3	0
From 151 to 250 Men - - - - -	4	4	0
From 251 Men and upwards - - - -	5	5	0
19. For making out fair and true Copies of Lists of Men inrolled for each Subdivision of a County in Great Britain, including the Tower Hamlets and the Stannaries of Cornwall and Devon, for the Use of the Clerk of General Meetings, Schedule (E.), and the Colonel or Commandant of the Regiment of the County; videlicet,			
For a Roll containing 50 Names and under - -	0	5	0
from 51 to 150 Names - - - -	0	10	0
from 151 to 250 Names - - - -	0	15	0
from 251 Names and upwards - - -	1	0	0
20. For Stationery to the Clerk of a Subdivision furnishing Men towards the Quota of a County, in the following Proportions, videlicet,			
For a Subdivision furnishing 50 Men and under -	1	10	0
from 51 to 150 Men - - -	2	0	0
from 151 to 250 Men - - -	2	10	0
from 251 Men and upwards - -	3	0	0
21. For Correspondence, Copyings, et cetera, to the Clerk of a Subdivision furnishing Men towards the Quota of a County in the following Proportions; videlicet,			
For a Subdivision furnishing 50 Men and under -	2	0	0
from 51 to 150 Men - - -	3	0	0
from 151 to 250 Men - - -	4	0	0
from 251 Men and upwards - -	5	0	0
22. The actual Amount expended for printing and publishing Advertisements, for Postage, Expresses, and Messengers, to be allowed upon an Account specifying each Article of Postage, and specially certified by the Lieutenancy, whose Certificate shall state that the same was necessary and actually performed.			
The Charge for printing and publishing Advertisements is invariably to be supported by the Receipt of the Person to whom paid.			
23. For Trouble in apportioning and distributing to the Constables of the several Townships, Parishes, et cetera, within the Limits of the Subdivision, the various Forms of Schedules, et cetera:			
For a Subdivision furnishing 50 Men and under -	0	5	0
from 51 to 150 Men - - -	0	10	0
from 151 to 250 Men - - -	0	15	0
from 251 and upwards - - -	1	0	0
TRAINING AND EXERCISE.			
24. For filling up printed Precepts to the High or Chief Constable in each Subdivision of any County in England and Wales, including the Tower Hamlets and the Stannaries of Cornwall and Devon, to issue out their Warrants to the Petty Constables, Tithingmen, or other Officers within their respective Hundreds, to give Notice in Writing to the Men inrolled to attend the Training and Exercise of the Militia:			
For each Precept containing 50 Names and under -	0	5	0
from 51 to 150 Names - - -	0	10	0
from 150 to 250 Names - - -	0	15	0
from 251 Names and upwards - -	1	0	0

	£	s.	d.
And for filling up printed Precepts to the Chief Constables, and to the Schoolmasters, Constables, or other Officers of the Parishes within the Subdivisions of any County, Stewartry, City, or Place in Scotland, to give Notice in Writing to the Men inrolled to attend the Training and Exercise of the Militia:			
For each Precept containing 10 Names and under -	0	0	6
from 11 to 30 Names - - -	0	1	0
from 31 to 50 Names - - -	0	2	6
from 51 to 70 Names - - -	0	4	0
from 71 to 100 Names - - -	0	7	0
from 100 upwards - - -	0	10	0
25. For making out full and true Lists of the Names and Dates of Inrolment of all Persons inrolled within each Subdivision respectively, for the Use of the Commanding Officer and Adjutant of each Regiment, Battalion, or Corps of any County, Stewartry, City, or Place in Great Britain, previously to the Training and Exercise:			
For a Roll containing 20 Names and under - -	0	2	6
from 21 to 50 Names - - -	0	5	0
from 51 to 150 Names - - -	0	10	0
from 151 to 250 Names - -	0	15	0
from 251 and upwards - - -	1	0	0
26. For correcting the Books of Inrolment of the Subdivision, so as to correspond accurately with the Extracts from the Adjutant's or other Commanding Officer's Return, Schedule (F.), of the State of the Classes of the Men forming the Quota or Appointment serving in the Regiment, Battalion, or Corps of Militia of any County, Stewartry, City, or Place in Great Britain:			
For a Subdivision furnishing 50 Men and under - -	0	5	0
from 51 to 150 Men - - -	0	10	0
from 151 to 250 Men - - -	0	15	0
from 251 and upwards - - -	1	0	0

ALLOWANCES TO SCHOOLMASTERS IN SCOTLAND.

27. For filling up and delivering Notices to Householders, for each Day consisting of Eight Hours - - -	0	5	0
28. For making out Lists, for each Folio consisting of Sixty Lines - - - - - - - - -	0	1	0
29. For attending Meetings of Lieutenancy, each Meeting -	0	10	0
30. For filling up and delivering Notices to ballotted Men, per Day - - - - - - - -	0	5	0
31. For Stationery, per Annum - - - - -	0	5	0

ALLOWANCES TO CONSTABLES IN SCOTLAND.

32. For filling up and delivering Notices to Householders, for each Day consisting of Eight Hours - - -	0	4	0
33. For making out Lists, for each Folio consisting of Sixty Lines - - - - - - - - -	0	1	0
34. For attending each Meeting of Lieutenancy, per Day -	0	4	0
35. For filling up and delivering Notices to ballotted and inrolled Men, per Day - - - - - - -	0	4	0
36. For Stationery, where the Lists are made out by the Constables, per Annum - - - - - -	0	5	0

SPECIAL CONTINGENT ALLOWANCES applicable to the Clerks of General and Subdivision Meetings of Lieutenancy respectively.

37. When it is necessary to call a Person from a Distance to perform the Duty of a General or Subdivision Clerk, such Person shall have an Allowance for his travelling Expences, not exceeding Nine-pence per Mile, and the Expence of Tolls and Ferry Money; but the Particulars of such Expences shall be specified in a Statement, and certified by the Lieutenancy, and transmitted in support of the Charge in the Clerks Annual Account.

38. The Expence necessarily incurred for the Use of the Room at the Place of Meeting, to be allowed upon the Production of the Receipt of the Person to whom the same may be paid.

LONDON: Printed by GEORGE EYRE and ANDREW SPOTTISWOODE, Printers to the King's most Excellent Majesty. 1834.

ANNO QUARTO & QUINTO

GULIELMI IV. REGIS.

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or any Part thereof, as His Majesty shall deem expedient; and upo the issuing of any such Order all such Proceedings shall be had for carrying into execution all the Provisions of the Acts in force in *England*, *Scotland*, and *Ireland* respectively relating to the giving Notices for and Returns of Lists, and for the balloting and enrolling of Men to supply any Vacancies in the Militia, and holding General and Subdivision Meetings for such Purpose, at such Time respectively as shall be expressed in any such Order in Council, or by any Directions given in pursuance thereof to the Lord Lieutenant, or Deputy Lieutenants acting for Lord Lieutenants, of the several Counties, Shires, Ridings, Cities, and Places in *Great Britain*, or to the Governors and Deputy Governors of Counties and Places in *Ireland*, or to the Warden and Special Deputy Wardens of the Stannaries; and all the Provisions of the several Acts in force in *England*, *Scotland*, and *Ireland* respectively relating to the Militia and Corps of Miners of *Cornwall* and *Devon* shall, upon any such Order and Direction given in pursuance thereof, become and be in full Force, and be carried into execution at the Period specified in such Order or Direction as aforesaid, with all such Penalties and Forfeitures for any Neglect thereof, as fully as if such Periods had been fixed in the Acts relating to such Militia and Miners.

His Majesty may direct Vacancies not to be filled up.

III. And be it further enacted, That it shall and may be lawful for His Majesty, by Order, signified by One of His Majesty's Principal Secretaries of State, to direct that in case of any Vacancy occurring in the disembodied permanent Staff, such Vacancy, if it be thought advisable, shall not be filled up.

Act to extend to the Stannaries.

IV. And be it enacted, That this Act, and all the Clauses, Provisions, Directions, and Authorities therein contained, shall be construed to extend to the Warden and Special Deputy Wardens of the Stannaries, and Corps of Miners of *Cornwall* and *Devon*, as fully as if they were respectively and severally repeated in every such Clause, Provision, Direction, and Authority.

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ANNO QUARTO & QUINTO

GULIELMI IV. REGIS.

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CAP. LXV.

An Act for the more effectual Administration of Justice at *Norfolk Island.* [13th *August* 1834.]

WHEREAS by an Act passed in the Sixth Year of the Reign of His late Majesty, intituled *An Act for punishing Offences committed by Transports kept to Labour in the Colonies, and better regulating the Powers of Justices of the Peace in* New South Wales, His Majesty was empowered, by Order in Council, to appoint or authorize the Governors or Persons administering the Government of any of His Majesty's Foreign Possessions, Colonies, or Plantations, to appoint the Places within His Majesty's Dominions to which any Offenders convicted in any such Possession, Colony, or Plantation, and being under Sentence or Order of Transportation, should be sent or transported: And whereas His said late Majesty, by an Order bearing Date the Eleventh Day of *November* in the Year of our Lord One thousand eight hundred and twenty-five, was pleased, by and with the Advice of His Privy Council, to authorize the Governors or other Persons administering the Government of any of His Majesty's Possessions, Colonies, or Plantations, from Time to Time, by Proclamation to be by them respectively for such Purpose issued, to appoint the Place or Places within His Majesty's Dominions to which any Offender convicted as aforesaid, and being under Sentence or Order of Transportation, should be sent or transported: And whereas, in pursuance of the said Order of His Majesty in Council, the Governor of *New South Wales* issued a Proclamation, bearing Date the Fifteenth Day of *August* in the Year One thousand eight hundred and twenty-six, and thereby appointed, among other Places, 6 G. 4. c. 69.

Norfolk Island to be the Place within the Colony of *New South Wales* to which Offenders convicted in the said Colony, and being under Sentence or Order of Transportation, might be sent or transported: And whereas the Removal of Persons under Charge of Capital and other Offences committed at *Norfolk Island*, from thence for Trial in the Supreme Court of the said Colony, is attended with great Delay, Expence, and Inconvenience, and it is expedient that a Court should be established in *Norfolk Island* for the Trial and Punishment of Crimes, Misdemeanors, and Offences, of what Nature or Degree soever, committed there by Persons under Sentence or Order of Transportation: And whereas an Act was made and passed in the Thirty-fifth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to repeal an Act made in the last Session of Parliament, intituled 'An Act to enable His Majesty to establish a Court 'of Criminal Judicature in* Norfolk Island,' *and for better enabling His Majesty to establish such Court in the said Island:* And whereas the Provisions of the said recited Act are insufficient to remedy the Inconvenience and to carry into effect the Purposes herein-before expressed, and it is therefore expedient to repeal the same: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Act so made and passed in the Thirty-fifth Year of the Reign of His late Majesty King *George* the Third as aforesaid, and every Clause, Matter, and Thing therein contained, shall be and the same is and are hereby repealed.

35 G. 3. c. 18.

Recited Act 35 G. 3. c. 18. repealed.

Governor of New South Wales empowered to institute a Court of Criminal Jurisdiction in Norfolk Island.

II. And be it further enacted, That it shall and may be lawful for the Governor of *New South Wales*, with the Advice and Consent of the Legislative Council of the said Colony, by an Ordinance to be by them made for such Purpose, to institute a Court of Criminal Jurisdiction in *Norfolk Island*, and to grant to such Court full Power and Authority to take cognizance of all Crimes, Misdemeanors, and Offences soever committed by any Felons or other Offenders under Sentence or Order of Transportation or Removal to *Norfolk Island*, whether the same be committed within the said Island, or on board of any Ship or Vessel during the Passage of such Felons or Offenders to the same, or at the Island called *Philip Island*, adjacent to *Norfolk Island;* and the said Crimes, Misdemeanors, and Offences so committed to adjudge and punish respectively according to the Laws in force in *New South Wales* in like Cases.

Court to consist of a Barrister and Five Military or Naval Officers.

III. And be it enacted, That the said Court of Criminal Jurisdiction shall consist of One Judge, who shall be a Barrister duly admitted in *England* or *Ireland*, of not less than Three Years standing, and of Five Commissioned Officers of His Majesty's Sea or Land Forces, whether on Full or Half Pay; and such Judge and Officers respectively shall from Time to Time, as Occasion shall require, be appointed by the Governor of *New South Wales*, for the Purpose of forming a Court as aforesaid; and the said Court shall have such ministerial Officers as shall be necessary for conducting the Proceedings and executing the Processes, Judgments, and Orders thereof; and the said ministerial Officers shall be appointed to and

removed from their respective Offices in such Manner as the said Governor for the Time being shall direct; and the said Judge, Commissioned Officers, and ministerial Officers respectively shall receive such reasonable Allowances as the said Governor, with the Advice of the Legislative Council of the said Colony, shall, by any such Ordinance made as aforesaid, appoint and direct, which Allowances shall be in lieu of all Fees, Perquisites, and Emoluments whatsoever in respect of their said Offices.

Regulating Periods of holding the Court.

IV. And be it further enacted, That the said Court of Criminal Jurisdiction shall be holden at *Norfolk Island* at such Times and Place as the Governor of *New South Wales* shall, by Warrant under his Hand, from Time to Time appoint and direct; and all Crimes, Misdemeanors, Offences, and other Misconduct cognizable by such Court shall be prosecuted, tried, and adjudged, and the Judgments, Processes, and Orders thereof shall be carried into effect, according to such Forms, Rules, Course, and Order of Proceeding as the said Governor, with the Advice of the said Legislative Council, shall by any such Ordinances as aforesaid from Time to Time direct and appoint: Provided always however, that Execution shall not be had or done upon any Convict or Convicts in any Capital Case unless the said Judge and Five Officers by whom such Convict or Convicts shall be tried shall concur in finding him or them guilty.

Court to be a Court of Record.

V. And be it further enacted, That the said Court of Criminal Jurisdiction shall be a Court of Record, and shall have all such Powers as by Law are incident and belong to a Court of Record: Provided always, that the Records and Proceedings of such Court shall be deposited in the Office of the Supreme Court of *New South Wales*, and there safely kept in like Manner as other Records of the said Court.

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ANNO QUARTO & QUINTO

GULIELMI IV. REGIS.

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CAP. LXVI.

An Act for empowering the Commissioners of His Majesty's Woods, Forests, Land Revenues, Works, and Buildings to pay the net Proceeds of the Tolls of the *Menai* and *Conway* Bridges into the Receipt of His Majesty's Exchequer at *Westminster*, to the Account of the Consolidated Fund. [13th *August* 1834.]

WHEREAS by an Act passed in the Fifty-ninth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to amend an Act passed in the Fifty-fifth Year of His present Majesty, for granting to His Majesty the Sum of Twenty thousand Pounds towards repairing Roads between* London *and* Holyhead *by* Chester, *and between* London *and* Bangor *by* Shrewsbury; *and for giving additional Powers to the Commissioners therein named to build a Bridge over the* Menai Straits, *and to make a new Road from* Bangor Ferry *to* Holyhead *in the County of* Anglesea, it was (amongst other things) enacted, that the Commissioners therein named should yearly, out of the Monies arising from the Tolls which should be collected and received at any of the Turnpikes or Toll Gates erected on or across the said intended Bridge by 59 G. 3. c. 48.

virtue

virtue of the said Act now in recital, reserve and keep in their own Hands the Sum of Five hundred Pounds as and for the Expences incident to the maintaining and keeping in necessary Repair the said intended Bridge, and the Accesses and Roads thereto within One hundred Yards thereof; and all the Surplus, Rest, Residue, and Remainder of the Monies arising from such last-mentioned Tolls should yearly and every Year, on the First Day of *May*, or within Thirty Days thereafter, be paid over by the said Commissioners into the Receipt of His Majesty's Exchequer at *Westminster*, to the Account of the Consolidated Fund, until the whole of the Principal Sum or Sums of Money which should be advanced by the Lord High Treasurer or the Commissioners of His Majesty's Treasury for and towards defraying the Expences of building and completing the said Bridge and the Accesses thereto, and for making and completing a Road from the said Bridge to *Holyhead*, and for the Purchase of the said Ferry called *Bangor Ferry*, and the Tolls, Profits, and Appurtenances thereof, or of any Lands, Tenements, or Hereditaments necessary for the Purposes of the said Bridge or Roads, together with Interest for the same at and after the Rate of Five Pounds *per Centum per Annum*, should be wholly paid off and discharged; and when the whole of such Principal Sum or Sums, together with the Interest for the same at and after the Rate aforesaid, should be so discharged, then all the Money arising from the said Tolls should be applied by the said Commissioners in the Support, Repair, and Maintenance of the said intended Bridge and the Accesses thereto: And whereas by an Act passed in the Fourth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for vesting in Commissioners the Bridges now building over the* Menai Straits *and the River* Conway, *and the Harbours of* Howth, *and* Holyhead, *and the Road from* Dublin *to* Howth; *and for the further Improvement of the Road from* London *to* Holyhead, it was (amongst other things) enacted, that all the Powers, Clauses, Provisions, and Authorities contained in the said recited Act of the Fifty-ninth Year of King *George* the Third should be exercised and carried into execution by the Commissioners appointed by the Act now in recital, in the building and completing the said Bridge over the *Menai Straits*, and the Roads and Accesses thereto, in the same Manner and as fully and efficiently as the same might have been exercised and carried into effect by the said Commissioners mentioned in the said recited Act of the Fifty-ninth Year of King *George* the Third; and from and after the said Bridge should be completed, the same, with the Accesses and Approaches thereto, should be maintained, repaired, and supported under the Powers and Authorities and Provisions of the said recited Act of the Fifty-ninth Year of the Reign of King *George* the Third, for building a Bridge over the *Menai Straits;* and it was further enacted, that the said Commissioners appointed by the Act now in recital should yearly, out of the Monies arising from the Tolls which should be collected and received at the Turnpikes or Toll Gates erected on or across the said Bridge over the River *Conway*, reserve and keep in their own Hands the Sum of Two hundred Pounds as and for the Expences incident to the maintaining and keeping in necessary Repair the said Bridge over the River *Conway*, and the Accesses and Roads thereto;

4 G. 4. c. 74.

thereto; and all the Surplus, Rest, Residue, and Remainder of the Monies arising from such last-mentioned Tolls should yearly and every Year, on the First Day of *May*, or within Thirty Days thereafter, be paid over by the said Commissioners into the Receipt of His Majesty's Exchequer at *Westminster*, to the Account of the Consolidated Fund, until the whole of the Principal Sum of Forty thousand Pounds advanced by the Commissioners of His Majesty's Treasury under the Powers of an Act passed in the First and Second Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for applying a certain Sum of Money out of the Consolidated Fund of the United Kingdom of* Great Britain *and* Ireland *for the Purpose of building a Bridge over the River* Conway *in the County of* Carnarvon, *and for imposing additional Rates of Postage on Letters and Packets conveyed over the said Bridge*, for and towards the Expences of building and completing the said Bridge over the River *Conway*, and the Accesses and Approaches thereto, and for the Purchase of *Conway Ferry*, and the Tolls and Profits arising therefrom, together with Interest for the same at and after the Rate of Four Pounds *per Centum per Annum*, should be wholly paid off and discharged; and when the whole of such Principal Sum or Sums, together with Interest for the same at and after the Rate aforesaid, should be so discharged, then all the Monies arising from the said Tolls should be applied by the said Commissioners thereby appointed in the Support, Repair, and Maintenance of the said intended Bridge and the Accesses thereto: And whereas by an Act passed in the Third and Fourth Year of the Reign of His present Majesty, intituled *An Act for transferring to the Commissioners of His Majesty's Woods and Forests the several Powers now vested in the* Holyhead *Road Commissioners, and for discharging the last-mentioned Commissioners from the future Repairs and Maintenance of the Roads, Harbours, and Bridges now under their Care and Management*, it was (amongst other things) enacted, that from and after the passing of the Act now in recital the Commissioners appointed in and by the said recited Act of the Fourth Year of the Reign of His late Majesty King *George* the Fourth should be discharged from and should cease to carry into execution all or any of the Trusts and Powers vested in them by the said recited Act of the Fourth Year of the Reign of His said late Majesty; and it was further enacted, that the Commissioners of His Majesty's Woods, Forests, Land Revenues, Works, and Buildings for the Time being, and such other Person or Persons as should be nominated and appointed in manner therein-after mentioned, should be Commissioners for carrying into execution the Powers and Provisions of the said several therein-before recited Acts and the Act now in recital: And whereas it is expedient that the whole Net Amount of all the Tolls to be received at the Turnpikes or Toll Gates erected on or across the said Bridges respectively (after deducting the Expences of Collection and Management) should be paid into the Receipt of His Majesty's Exchequer at *Westminster*, to the Account of the Consolidated Fund: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act such Parts of the

1 & 2 G. 4. c. 35.

3 & 4 W. 4. c. 43.

Such Parts of recited Acts as relate to the Application of Monies, repealed.

the said recited Acts as relate to the Application of the Monies arising from the Tolls of the said Bridges respectively shall be and the same are hereby repealed.

All Monies now in hand, or hereafter received, to be paid by the Commissioners into the Receipt of the Exchequer.

II. And be it further enacted, That all Monies now at the Disposal of the Commissioners for the Execution of the said recited Act of the Third and Fourth Year of the Reign of His present Majesty, received on account of the Tolls of the said Bridges respectively, and whether in respect of the said annual Sums of Five hundred Pounds and Two hundred Pounds so directed to be set apart as aforesaid, or otherwise, under or by virtue of the said recited Acts or any of them, shall immediately after the passing of this Act be paid into the Receipt of His Majesty's Exchequer at *Westminster*, to the Account of the Consolidated Fund; and all Sums of Money which shall at any Time hereafter be received by the said last-mentioned Commissioners, their Agents or Receivers, on account of the said Tolls, after deducting thereout all the Expences incidental to the Collection and Management of the said Tolls, shall yearly and every Year, on the First Day of *May*, or within Thirty Days thereafter, be paid over by the said Commissioners into the Receipt of His Majesty's said Exchequer, to the said Account of the Consolidated Fund.

7 G. 4. c. 76.

III. And whereas by an Act passed in the Seventh Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for further extending the Powers of an Act for vesting in Commissioners the Bridges building over the* Menai Straits *and the River* Conway, *and the Harbours of* Howth *and* Holyhead, *and the Road from* Dublin *to* Howth, *and for the further Improvement of the Road from* London *to* Holyhead, it was enacted, that the Commissioners acting in execution of the said recited Act of the Fourth Year of the Reign of His late Majesty King *George* the Fourth should apply any Sum not exceeding the Sum of Fourteen thousand Pounds in making and completing a new Cut or Piece of Road, leaving the then present Road from *London* to *Holyhead* in the Town of *Barnet*, and falling into the same Road again at *South Mims*, the same being within the Limits and District of the *Saint Alban's* Trust; and it was thereby further enacted, that it should be lawful for the Trustees of the *Saint Alban's* Trust, and they were thereby authorized and required, when and as soon as the said new Road should be completed and opened to the Public, to cause a Toll Gate to be erected and set up on the said new Road, and to take and collect the several Tolls in the now reciting Act particularly mentioned and specified; and it was thereby further enacted, that the said Trustees of the *Saint Alban's* Trust should apply and dispose of the Tolls to be collected by them in the said new Line of Road, under the Authority of the now reciting Act, in manner following; (that is to say,) One Fourth Part of the Amount of the said Tolls should be applied in repairing and maintaining the said last-mentioned new Road, and the other Roads within the *Saint Alban's* Trust; and all the Rest, Residue, and Remainder of the Amount of the said last-mentioned Tolls, after deducting the Expences of collecting and receiving the same, should be annually accounted for and paid over by the said Trustees of the *Saint Alban's* Trust to the

Commissioners acting in the Execution of the said recited Act of the Fourth Year of the Reign of His said late Majesty King *George* the Fourth, until the Amount of the Sum or Sums to be advanced under the Provisions of the now reciting Act, and applied in completing and repairing the said last-mentioned new Piece of Road, together with Interest for the same after the Rate of Four Pounds *per Centum per Annum*, to be computed on the said Sum or Sums from the Time of advancing the same, should have been paid off and discharged, the said Interest of Four Pounds *per Centum per Annum* on so much of the said Principal Sum or Sums so to be advanced as aforesaid as should from Time to Time remain due, to be in the first place paid; and the Balance which should from Time to Time arise from the said Tolls should be applied, so far as the same might extend, in discharge of the said Principal Sum or Sums so to be advanced as aforesaid; and when and as soon as the said Principal Money, together with the Interest thereon, should be fully paid off and discharged, the said Trustees of the *Saint Alban's* Trust should and they were thereby authorized and required to reduce the said Tolls to One Half Part of the Amount therein-before directed to be taken and collected by them, and from thenceforth the said Trustees should collect and receive such reduced Tolls, and, after paying the Expences of collecting and receiving the same, should lay out and apply the Residue thereof in and towards the future Repairs and Maintenance of the whole Line of Road extending from the Town of *Barnet* to a certain Place beyond *Saint Alban's* called the *Pond Yards*: And whereas by an Act passed in the Seventh and Eighth Years of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for the further Improvement of the Road from* London *to* Holyhead, *and of the Road from* London *to* Liverpool, it was enacted, that in case the Sum which by the said recited Act of the Seventh Year of the Reign of His late Majesty King *George* the Fourth was made applicable to the making and completing of the said new Piece of Road from *Barnet* to *South Mims* should be found insufficient for the Purpose, the said Commissioners acting in execution of the said recited Act of the Fourth Year of the Reign of His late Majesty King *George* the Fourth should, in manner therein directed, certify the Amount of the Deficiency to the said Trustees of the *Saint Alban's* Trust, and the said Trustees should pay the Amount of such Deficiency, provided the same should not exceed the Sum of Three thousand Pounds, out of the Tolls to be collected on the said new Piece of Road: And whereas by an Act passed in the First Year of the Reign of His present Majesty King *William* the Fourth, intituled *An Act to alter and amend several Acts for the Improvement of the Roads from* London *to* Holyhead, *and from* London *to* Liverpool, *and for the further Improvement of the said Roads*, it is enacted, that during such Time as the said new Piece of Road from *Barnet* to *South Mims* should be repaired and maintained by the said Commissioners acting in execution of the said recited Act of the Fourth Year of the Reign of His said late Majesty King *George* the Fourth, as aforesaid, under or by virtue of the Powers and Provisions contained in the said recited Act of the Seventh and Eighth Year of the Reign of His late Majesty King *George* the Fourth, the said Commissioners were thereby authorized and empowered, with and out of the Tolls to be received by them from the

7 & 8 G. 4.

1 W. 4. c. 67.

Trustees of the *Saint Alban's* Trust in respect of the said new Piece of Road, to lay out and expend in the Repair and Maintenance of the same such annual Sum or Sums of Money as they the said Commissioners might think expedient, not exceeding the annual Sum of One thousand Pounds: And whereas the said new Piece of Road from *Barnet* to *South Mims* hath been long since completed and opened to the Public, and the same hath been kept in repair by and under the Direction of the Commissioners acting in execution of the said recited Act of the Fourth Year of the Reign of His late Majesty King *George* the Fourth, up to and until the Nineteenth Day of *July* One thousand eight hundred and thirty-three, when the Care and Management of the said Road was transferred to the Trustees of the *Saint Alban's* Trust: And whereas the several Sums which were by the said recited Acts made applicable to the making, completing, and repairing the said new Piece of Road have been found insufficient for that Purpose; and by an Account made up and stated by the said Commissioners acting in execution of the said recited Act of the Fourth Year of the Reign of His late Majesty King *George* the Fourth it appears that at the Time of transferring the said new Piece of Road to the Trustees of the *Saint Alban's* Trust as aforesaid several further Sums of Money had been laid out and expended by them the said Commissioners in the making and repairing such new Piece of Road, and other Sums of Money remained due and owing from the said Commissioners in respect thereof: And whereas it is expedient that Provision should be made for the Payment of such Sums of Money to the said Commissioners acting in execution of the herein-before recited Act of the Third and Fourth Year of the Reign of His present Majesty; be it therefore further enacted, That it shall and may be lawful to and for the Trustees of the *Saint Alban's* Trust, and they are hereby authorized, empowered, and required, to continue the Tolls by them imposed and raised and now levied under or by virtue of the said recited Act of the Seventh Year of the Reign of His late Majesty King *George* the Fourth, for the Purpose of paying off the several Sums authorized and directed by that Act and by the said recited Acts of the Seventh and Eighth Years of the Reign of His late Majesty King *George* the Fourth and the First Year of the Reign of His present Majesty to be laid out and expended in the making and repairing of the said new Piece of Road from *Barnet* to *South Mims*, and all Interest due or to become due on the said several and respective Sums, until as well the said several Sums, and all Interest due and to become due thereon respectively, as also the Sum or Sums to be paid by the Trustees of the *Saint Alban's* Trust to the said Commissioners acting in execution of the said recited Act of the Third and Fourth Year of the Reign of His present Majesty, as herein-after directed, together with all Interest thereon, shall be fully paid off and discharged.

Trustees of the St. Alban's Trust empowered to continue the Tolls levied under the Acts herein recited.

IV. And be it further enacted, That it shall and may be lawful for the Trustees of the *Saint Alban's* Trust, and they are hereby authorized and required, with and out of the said Tolls, (in addition to and over and above the several Sums mentioned in the said recited Acts of the Seventh and Seventh and Eighth Years of the Reign of His late Majesty, King *George* the Fourth, and the First Year of the Reign of His present Majesty, and Interest thereon respectively,) to

Trustees of the St. Alban's Trust to pay to Commissioners further Sums out of the Tolls, not exceeding 4,500*l.*

pay

pay to the said Commissioners acting in execution of the said recited Act of the Third and Fourth Year of the Reign of His present Majesty such further Sum or Sums of Money, not exceeding in the whole the Sum of Four thousand five hundred Pounds, as shall have been paid and applied in making and repairing the before-mentioned new Piece of Road, together with Interest at the Rate of Four Pounds *per Centum per Annum*, to be computed from the Time or respective Times of the advancing thereof, on so much of the said last-mentioned Sum or Sums as shall from Time to Time remain due and unpaid.

Trustees of the Hockliffe and Stratford Road to continue additional Tolls levied by 9 G. 4. c 75.

V. And whereas by an Act passed in the Ninth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for the further Improvement of the Road from* London *to* Holyhead, *and of the Road from* London *to* Liverpool, it was enacted, that the Commissioners acting in execution of the said recited Act of the Fourth Year of the Reign of His late Majesty King *George* the Fourth should apply any Sum not exceeding the Sum of Four thousand seven hundred Pounds in altering and improving the Road from *Hockliffe* in the County of *Bedford* to *Stony Stratford* in the County of *Buckingham*, the same being within the Limits and District of the *Hockliffe* and *Stratford* Trust, and in repairing the same for the Space of Two Years after the same should have been completed; and it was thereby further enacted, that it should be lawful for the Trustees of the *Hockliffe* and *Stratford* Road, and they were thereby required, to continue the additional Tolls by them imposed and raised and then levied for the Purpose of paying off the Sums of Seven thousand Pounds and One thousand five hundred Pounds, advanced for certain Alterations and Improvements in the said Road in the said Act mentioned, until as well the said Sums of Seven thousand Pounds and One thousand five hundred Pounds so advanced, and all Interest thereon respectively, as also the Principal Sum or Sums to be advanced under the Provisions of the now reciting Act, and to be applied in altering and improving the Road within the said Trust and in repairing the same as therein-before directed, together with Interest at the Rate of Four Pounds *per Centum per Annum*, to be computed from the Time or respective Times of the advancing thereof, on so much of the said last-mentioned Sum or Sums as should from Time to Time remain due and unpaid, should be fully paid off and discharged: And whereas the Alterations and Improvements in the Road from *Hockliffe* to *Stony Stratford* authorized and directed to be made and done by the said recited Act of the Ninth Year of the Reign of His late Majesty King *George* the Fourth have been some Time since completed and finished, and the said Road hath been kept in repair by and under the Direction of the Commissioners acting in execution of the said recited Act of the Fourth Year of the Reign of His said late Majesty King *George* the Fourth, up to and until the First Day of *August* One thousand eight hundred and thirty, when the Care and Management of the said Road was transferred by them to the Trustees of the *Hockliffe* and *Stratford* Trust: And whereas the said Sum of Four thousand seven hundred Pounds, by the said recited Act of the Ninth Year of the Reign of His said late Majesty King *George* the Fourth made applicable to the

the making and completing such Alterations and Improvements in the said Road, has been found insufficient for the Purpose of completing and repairing the same; and by an Account made up and stated by the said Commissioners acting in execution of the said recited Act of the Fourth Year of the Reign of His said late Majesty, it appears that at the Time of their transferring the said Road to the Trustees of the *Hockliffe* and *Stratford* Trust several further Sums of Money had been laid out and expended by them the said Commissioners in the said Alterations and Improvements in the said Road, and other Sums of Money remained due and owing from the said Commissioners in respect thereof: And whereas it is expedient that Provision should be made for the Payment of such Sums of Money to the said Commissioners acting in execution of the said recited Act of the Third and Fourth Years of the Reign of His present Majesty; be it therefore further enacted, That it shall and may be lawful for the Trustees of the *Hockliffe* and *Stratford* Road, and they are hereby authorized, empowered, and required, to continue the additional Tolls by them imposed and raised and now levied for the Purpose of paying off the several Sums of Seven thousand Pounds, One thousand five hundred Pounds, and Four thousand seven hundred Pounds, mentioned in the said recited Act of the Ninth Year of the Reign of His said late Majesty King *George* the Fourth, until as well the said last-mentioned several Sums, and all Interest due or to become due thereon respectively, as also the Sum or Sums to be paid by the Trustees of the *Hockliffe* and *Stratford* Road to the said Commissioners acting in execution of the said recited Act of the Third and Fourth Years of the Reign of His present Majesty, as herein-after directed, together with Interest thereon, shall be fully paid off and discharged.

Trustees of the Hockliffe and Stratford Road to pay to Commissioners further Sums out of additional Tolls, not exceeding 2,500*l*.

VI. And be it further enacted, That it shall and may be lawful for the Trustees of the *Hockliffe* and *Stratford* Road, and they are hereby authorized and required, with and out of the said additional Tolls, (in addition to and over and above the said several Sums of Seven thousand Pounds, One thousand five hundred Pounds, and Four thousand seven hundred Pounds, and the Interest thereof respectively,) to pay to the said Commissioners acting in execution of the said recited Act of the Third and Fourth Year of the Reign of His present Majesty such further Sum or Sums of Money, not exceeding in the whole the Sum of Two thousand five hundred Pounds, as shall have been laid out and applied in the Alterations and Improvements of the said Road within the *Hockliffe* and *Stratford* Trust, together with Interest at the Rate of Four Pounds *per Centum per Annum*, to be computed from the Time or respective Times of the advancing thereof, on so much of the said last-mentioned Sum or Sums as shall from Time to Time remain due and unpaid.

Trustees of Dunchurch and Stonebridge Trust to continue additional Tolls.

VII. And whereas by the said recited Act of the Seventh and Eighth Year of the Reign of His late Majesty King *George* the Fourth it was enacted, that it should be lawful for the Commissioners acting in execution of the said recited Act of the Fourth Year of the Reign of His late Majesty King *George* the Fourth to apply the Sum

of

of Twelve thousand Pounds in making and completing a new Cut or Piece of Road, leaving the then present Road from *London* to *Holyhead* at the *Seven Stars* Public House at *Whitley* in the County of the City of *Coventry*, and passing from thence in nearly a direct Line to within a short Distance of the Southern End of *Little Park Street* in the City of *Coventry*, and from thence into *Hertford Street* in the same City, and leaving the said City at *Saint John's* Church, and passing from thence in a direct Line to the Village of *Allesley* in the County of *Warwick*, the same being within the Limits and District of the *Dunchurch* and *Stonebridge* Trust, and in or towards the repairing and maintaining such Parts of the said new Piece of Road as therein-after mentioned for the Period of Two Years after the same should have been completed and opened to the Public; and it was thereby also further enacted, that the said Trustees of the *Dunchurch* and *Stonebridge* Trust should and they were thereby authorized and required to demand and take at the several Turnpike Gates which should be erected by virtue of the said Act or any other Act upon the said Road or any Part thereof, besides the ordinary Tolls authorized to be collected and taken by them by the Act therein mentioned, the several Tolls and Duties in the now reciting Act particularly mentioned and specified; and it was thereby further enacted, that it should be lawful for the said Trustees of the *Dunchurch* and *Stonebridge* Trust, and they were thereby authorized and required, to apply the Monies arising from the said additional Tolls to be so collected by them as aforesaid, in the first place, in the Payment of Two several Sums of Three thousand five hundred Pounds and Two thousand Pounds in the now reciting Act mentioned, and the Interest thereof respectively, or so much thereof as remained due and unpaid; in the next place, in repaying to the said Commissioners acting in execution of the said recited Act of the Fourth Year of the Reign of His present Majesty the Sum of Twelve thousand Pounds, to be applied, under the Provisions therein-before contained, in making the aforesaid new Piece of Road within the said Trust, together with Interest at the Rate of Four Pounds *per Centum per Annum*, to be computed from the Time or respective Times of advancing the same, on so much of the said last-mentioned Sum as should be for the Time being due and unpaid: And whereas by the said recited Act of the Ninth Year of the Reign of His late Majesty King *George* the Fourth it was enacted, that the Commissioners acting in execution of the said recited Act of the Fourth Year of the Reign of His late Majesty King *George* the Fourth should apply any Sum not exceeding Four thousand Pounds in altering and improving the Road from the *Seven Stars* Public House at *Whitley* to the City of *Coventry*, and from thence to the Village of *Allesley*, in the County of *Warwick*, the same being within the Limits and District of the *Dunchurch* and *Stonebridge* Trust, and in repairing the same for the Period of Two Years after the same should have been completed; and it was thereby further enacted, that it should be lawful for the Trustees of the *Dunchurch* and *Stonebridge* Trust, and they were thereby required, to continue the additional Tolls by them imposed and raised and then levied under the Powers and Authorities of the said recited Act of the Seventh and Eighth Years of the Reign of

His then present Majesty, for the Purpose of paying off the several Sums of Three thousand five hundred Pounds, Two thousand Pounds, and Twelve thousand Pounds in the said Act mentioned, and all Interest due and to become due on the said several and respective Sums, until as well the said several Sums of Three thousand five hundred Pounds, Two thousand Pounds, and Twelve thousand Pounds, and all Interest due or to become due thereon respectively, as also the Principal Sum or Sums to be advanced under the Provisions of the now reciting Act, and to be applied in making Improvements in the Road within the Districts of the *Dunchurch* and *Stonebridge* Trust, and in repairing the same as therein-before directed, together with Interest at the Rate of Four Pounds *per Centum per Annum*, to be computed from the Time or respective Times of the advancing thereof, on so much of the said last-mentioned Sum or Sums as should from Time to Time remain due and unpaid, should be fully paid off and discharged: And whereas the new Piece of Road, Alterations, and Improvements within the *Dunchurch* and *Stonebridge* Trust authorized and directed to be made and done by the said recited Acts of the Seventh and Eighth and Ninth Years of the Reign of His late Majesty King *George* the Fourth, have been some Time since completed and finished, and the said Roads have been kept in repair by and under the Direction of the Commissioners acting in execution of the said recited Act of the Fourth Year of the Reign of His said late Majesty King *George* the Fourth, up to and until the Twentieth Day of *August* One thousand eight hundred and thirty-one, when the Care and Management of the said Roads was transferred to the Trustees of the *Dunchurch* and *Stonebridge* Trust: And whereas the said several Sums of Twelve thousand Pounds and Four thousand Pounds by the said recited Acts of the Seventh and Eighth and Ninth Years of the Reign of His said late Majesty made applicable to the making and completing such new Piece of Road, Alterations, and Improvements, have been found insufficient for the Purposes of completing the same; and by an Account made up and stated by the said Commissioners acting in execution of the said recited Act of the Fourth Year of the Reign of His late Majesty King *George* the Fourth as aforesaid it appears that at the Time of their transferring the said Roads to the Trustees of the *Dunchurch* and *Stonebridge* Trust several further Sums of Money have been laid out and expended by them the said Commissioners in or about the said new Piece of Road, Alterations, and Improvements, and other Sums of Money remained due and owing from the said Commissioners in respect thereof: And whereas it is expedient that Provision should be made for the Payment of such Sums of Money to the said Commissioners acting in execution of the said recited Act of the Third and Fourth Years of the Reign of His present Majesty; be it therefore further enacted, That it shall and may be lawful for the Trustees of the *Dunchurch* and *Stonebridge* Trust, and they are hereby authorized, empowered, and required, to continue the additional Tolls by them imposed and raised and now levied under or by virtue of the said recited Act of the Seventh and Eighth Year of the Reign of His said late Majesty as aforesaid, for the Purpose of paying off the several Sums of Three thousand five hundred Pounds, Two thousand

Pounds, Twelve thousand Pounds, and Four thousand Pounds mentioned in the said recited Act of the Ninth Year of the Reign of His said late Majesty as aforesaid, until as well the said last-mentioned several Sums, and all Interest due or to become due thereon respectively, as also the Sum or Sums to be paid by the Trustees of the *Dunchurch* and *Stonebridge* Trust to the said Commissioners acting in execution of the said recited Act of the Third and Fourth Years of the Reign of His present Majesty, as hereinafter directed, together with Interest thereon, shall be fully paid off and discharged.

Trustees of the Dunchurch and Stonebridge Trust to pay to Commissioners further Sums out of additional Tolls, not exceeding 2,500*l.*

VIII. And be it further enacted, That it shall and may be lawful for the Trustees of the *Dunchurch* and *Stonebridge* Trust, and they are hereby authorized and required, with and out of the said additional Tolls, (in addition to and over and above the said several Sums of Three thousand five hundred Pounds, Two thousand Pounds, Twelve thousand Pounds, and Four thousand Pounds, and the Interest thereof respectively,) to pay to the said Commissioners acting in execution of the said recited Act of the Third and Fourth Year of the Reign of His present Majesty such further Sum or Sums of Money, not exceeding in the whole the Sum of Two thousand five hundred Pounds, as shall have been laid out and applied in the making and completing the said new Piece of Road, Alterations, and Improvements within the *Dunchurch* and *Stonebridge* Trust, together with Interest at the Rate of Four Pounds *per Centum per Annum*, to be computed from the Time or respective Times of the advancing thereof, on so much of the said last-mentioned Sum or Sums as shall from Time to Time remain due and unpaid.

Trustees of the Shiffnall District of the Watling Street Road to continue additional Tolls.

IX. And whereas by the said recited Act of the Ninth Year of the Reign of His late Majesty King *George* the Fourth it was enacted, that the Commissioners acting in execution of the said recited Act of the Fourth Year of the Reign of His said late Majesty should apply any Sum not exceeding the Sum of Five thousand five hundred Pounds in making a new Cut or Piece of Road from the Main Street in the Town of *Shiffnall* in the County of *Salop*, and passing from thence in nearly a straight Line over Premises belonging to Mister *Brown* and others to the Cross Lane in the then present Mail Coach Road near Mister *Brook's* Gate, the same being within the Limits and District of the *Shiffnall* District of the *Watling Street* Road, and in repairing the same for the Period of Two Years after the same should have been completed; and it was thereby further enacted, that the Trustees of the *Shiffnall* District of the *Watling Street* Road should after the First of *January* One thousand eight hundred and twenty-nine demand and take at the Turnpike Gates which should be erected on the said Road or any Part thereof, being Part of the *Holyhead* Mail Coach Road, besides the ordinary Tolls by the Act therein mentioned authorized to be taken, the several additional Tolls in the now reciting Act particularly mentioned; and it was thereby further enacted, that it should be lawful for the said Trustees of the *Shiffnall* District of the *Watling Street* Road, and they were thereby authorized and required, to apply the

the Money arising from the said additional Tolls to be so collected by them as aforesaid, in the first place, in the Payment of Two several Sums of Two thousand Pounds and Four thousand Pounds, and the Interest thereof respectively, or so much thereof as still remained due and unpaid; in the next place, in repaying to the said Commissioners acting in the Execution of the said recited Act of the Fourth Year of the Reign of His late Majesty King *George* the Fourth the Sum of Five thousand five hundred Pounds, to be applied, under the Provisions in the now reciting Act contained, in making the Alterations and Improvements in the Road within the said Trust, together with Interest at the Rate of Four Pounds *per Centum per Annum*, to be computed from the Time or respective Times of advancing the same, on so much of the said last-mentioned Sum of Five thousand five hundred Pounds as should be for the Time being due and unpaid, such Interest to be paid by Two half-yearly Payments in every Year; and when and so soon as the said Sum of Five thousand five hundred Pounds, together with the Interest thereon, should be fully paid off and discharged, the said Trustees should cease to collect the said additional Tolls: And whereas the said last-mentioned new Piece of Road authorized and directed to be made by the said last-before recited Act hath been some Time since completed and finished, and the said new Piece of Road hath been kept in repair by and under the Direction of the Commissioners acting in execution of the said recited Act of the Fourth Year of the Reign of His said late Majesty, up to and until the Time when the Care and Management of the said new Piece of Road was transferred by them to the Trustees of the *Shiffnall* District of the *Watling Street* Road: And whereas the said Sum of Five thousand five hundred Pounds by the said last-recited Act made applicable to the making and completing the said new Piece of Road has been found insufficient for that Purpose; and by an Account made up and stated by the said Commissioners acting in execution of the said recited Act of the Fourth Year of the Reign of His late Majesty King *George* the Fourth as aforesaid it appears that at the Time of their transferring the said new Piece of Road to the Trustees of the *Shiffnall* District of the *Watling Street* Road as aforesaid several further Sums of Money had been laid out and expended by them the said Commissioners in the making and repairing such new Piece of Road, and other Sums of Money remained due and owing from the said Commissioners in respect thereof: And whereas it is expedient that Provision should be made for the Payment of such Sums of Money to the said Commissioners acting in execution of the herein-before recited Act of the Third and Fourth Year of the Reign of His present Majesty; be it therefore further enacted, That it shall and may be lawful for the Trustees of the *Shiffnall* District of the *Watling Street* Road, and they are hereby authorized, empowered, and required, to continue the additional Tolls by them imposed and raised and now levied under or by virtue of the said recited Act of the Ninth Year of the Reign of His late Majesty King *George* the Fourth, for the Purpose of paying off the said several Sums of Two thousand Pounds, Four thousand Pounds, and Five thousand five hundred Pounds in the said Act mentioned, until as well the said last-

last-mentioned several Sums, and all Interest due or to become due thereon respectively, as also the Sum or Sums to be paid by the Trustees of the *Shiffnall* District of the *Watling Street* Road to the said Commissioners acting in execution of the said recited Act of the Third and Fourth Year of the Reign of His present Majesty, as herein-after directed, together with Interest thereon, shall be fully paid off and discharged.

Trustees of the Shiffnall District of the Watling Street Road to pay to Commissioners, out of additional Tolls, further Sums, not exceeding 250*l.*

X. And be it further enacted, That it shall and may be lawful for the Trustees of the *Shiffnall* District of the *Watling Street* Road, and they are hereby authorized and required, with and out of the said additional Tolls, (but subject and without Prejudice to the Payment of the said several Sums of Two thousand Pounds, Four thousand Pounds, and Five thousand five hundred Pounds, and the Interest thereof respectively,) to pay to the said Commissioners acting in execution of the said recited Act of the Third and Fourth Year of the Reign of His present Majesty such further Sum or Sums of Money, not exceeding in the whole the Sum of Two hundred and fifty Pounds, as shall have been laid out and applied in the making and completing the said new Piece of Road within the *Shiffnall* District of the *Watling Street* Trust, together with Interest at the Rate of Four Pounds *per Centum per Annum*, to be computed from the Time or respective Times of the advancing thereof, on so much of the said last-mentioned Sum as shall from Time to Time remain due and unpaid.

Tolls to be continued, subject to existing Powers and Provisions, with Powers for Commissioners of 3 & 4 W. 4. to take possession of Toll Gates in Cases of Default.

XI. And be it further enacted, That all the said additional and other Tolls which are and which are to be continued to be levied and raised by the Trustees of the *Saint Alban's* Trust, the Trustees of the *Hockliffe* and *Stratford* Trust, the Trustees of the *Dunchurch* and *Stonebridge* Trust, and the Trustees of the *Shiffnal* District of the *Watling Street* Trust, as herein-before is directed, shall, during the Time that they are hereby required to be continued, be levied and raised and be accounted for and paid over in the Manner and under the Powers and Provisions of the several Acts under which such additional and other Tolls are now collected and taken by such respective Trustees; and in case the said Trustees or any or either of them shall refuse or neglect to levy, collect, or continue the said additional and other Tolls, or shall lower the same, or shall make Default in Payment of the Sum or Sums to be paid by them as herein-before directed, or the Interest thereof, before the same Sums and the Interest thereof shall be fully paid off and discharged, it shall and may be lawful for the said Commissioners acting in execution of the said recited Act of the Third and Fourth Year of the Reign of His present Majesty to enter upon and take possession of the Toll Gates, Bars, and Toll Houses of the Trustees making Default, and to collect, take, receive, and recover the Tolls arising on the Road under the Care of the Trustees making Default, and to pay over the same in manner directed by the said several Acts under which such additional and other Tolls are now raised, collected, and taken by such Trustees, and by this Act, and to execute all the Powers, Provisions, and Authorities

rities in and by the said several Acts in such Case given, as fully and effectually as if the same were repeated and re-enacted in and by this Act.

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dient that a lesser Punishment than that of Death should be provided for the Punishment of the Offenders convicted of any such Offence so specified in the said Act of the Fifth Year of the Reign of King *George* the Fourth; be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That so much of the recited Act as inflicts the Punishment of Death upon Persons convicted of any Offence therein and herein-before specified shall be and the same is hereby repealed; and that from and after the passing of this Act every Person convicted of any Offence above specified in the said Act of the Fifth Year of the Reign of His late Majesty King *George* the Fourth, or of aiding or abetting, counselling or procuring the Commission thereof, shall be liable to be transported beyond the Seas for his or her natural Life, and previously to Transportation shall be imprisoned, with or without hard Labour, in any Common Gaol, House of Correction, Prison, or Penitentiary for any Term not exceeding Four Years.

So much of recited Act as inflicts the Punishment of Death for returning from Transportation repealed.

Punishment substituted for such Offence, or for aiding it.

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GULIELMI IV. REGIS.

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CAP. LXVIII.

An Act to authorize an Advance out of the General Fund of Monies belonging to the Suitors of the Courts of Chancery and Exchequer in *Ireland*, towards the purchasing of Ground, and building thereon Offices necessary to the Courts of Justice in *Dublin*. [13th *August* 1834.]

WHEREAS by an Act passed in the Parliament of *Ireland* in the Thirtieth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for enabling* 30 G. 3. c. 41.
the Lord High Chancellor and the Court of Exchequer respectively to make Orders on the Governor and Company of the Bank of Ireland *for Payment, out of the General Fund of Monies belonging to the Suitors of the Courts of Chancery and Exchequer, the Sum therein mentioned towards building the principal Courts of Justice at* Dublin, *and Law Offices, and for amending an Act, intituled* '*An* '*Act for better securing the Monies and Effects of the Suitors of the* '*Court of Chancery and Court of Exchequer, by depositing the same in* '*the National Bank, and to prevent the forging and counterfeiting any* '*Draft, Order, or other Voucher for the Payment or Delivery of such* '*Money or Effects, and for other Purposes,*' it is amongst other things enacted, that out of the General Fund of the Monies of the Suitors of His Majesty's High Court of Chancery and Court of Exchequer, which then were or should be deposited in the Bank of *Ireland* the Governor and Company of the Bank of *Ireland* should, within the Space of Three Years from the Twenty-fifth Day of *March* One thousand seven hundred and ninety, pay to the Lord High Chancellor and Chief Judges, towards building such Courts and Offices as therein mentioned, the Sum of Thirty thousand Pounds, in manner

 therein

therein provided: And whereas by an Act passed in the Parliament of *Ireland* in the Thirty-fourth Year of the same Reign, intituled
34 G. 3. c. 6. *An Act for enabling the Lord High Chancellor of* Ireland *and the Court of Exchequer respectively to make Orders on the Governor and Company of the Bank of* Ireland *for Payment, out of the General Fund of Monies belonging to the Suitors of the Courts of Chancery and Exchequer, of the further Sum therein mentioned towards building the principal Courts of Justice at* Dublin, *and Law Offices, and for declaring that all Government Securities purchased by the Governor and Directors of the said Bank, and Profits arising therefrom, should be placed to the Account of the Governor and Company of the said Bank*, it was amongst other Things enacted, that a further Sum of Thirteen thousand five hundred Pounds should be paid out of the said Fund to the Lord High Chancellor and Chief Judges towards building the said Courts and Offices: And whereas by an Act passed in the Parliament of the United Kingdom in the Second Year of the Reign of
2 W. 4. c. 32. His present Majesty, intituled *An Act for the Erection of a Nisi Prius Court House in* Dublin, it was amongst other things enacted, that out of the said General Fund of the Monies of the Suitors of the said High Court of Chancery and Court of Exchequer which then were or should be deposited in the Bank of *Ireland* the Governor and Company of the Bank of *Ireland* should, from and after the Twenty-fifth Day of *September* One thousand eight hundred and thirty-two, from Time to Time as might be required, pay to the Commissioners for the Extension and Promotion of Public Works in *Ireland* for building the said Court House (and also for improving the Accommodations in the present principal Courts of Justice in *Dublin*), any further Sum or Sums of Money not exceeding in the whole the Sum of Four thousand Pounds, upon any Order or Orders which the Lord High Chancellor or the Lord High Keeper or Lords Commissioners for the Custody of the Great Seal of *Ireland* for the Time being, and the Lord Chief Baron of the Court of Exchequer for the Time being, should respectively make for that Purpose in each Year respectively: And whereas it appears by Reports of the Commissioners appointed to execute the Measures recommended in an Address of the House of Commons of the Twenty-fifth Day of *May* One thousand eight hundred and ten respecting the Public Records of *Ireland*, that it is necessary to insulate the Courts of Justice in *Dublin* and the Public Record Offices adjoining thereto, for the Purpose of protecting the various Records and Public Documents there deposited from the Hazards of Fire and Embezzlement, to which they are continually exposed from the surrounding Buildings: And whereas it is estimated that a further Sum of Fifty thousand Pounds will be required for the Purpose of purchasing the Ground requisite for the said Purpose, and of erecting additional Offices connected with the said Courts, and otherwise increasing the Accommodations of such Offices; be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That out of said General Fund of the Monies of the Suitors of the said High Court of Chancery or Court of Exchequer, which now are or shall be deposited in the Bank of *Ireland*, the Governor and Company of the Bank of *Ireland* shall, from and after the First Day of *September* next, from Time to Time as may be required, pay to the Commissioners

The Bank of Ireland may advance to the Commissioners of Public Works, out of the Suitors Fund of the Court of Chancery or of the Ex-

sioners of Public Works towards purchasing the said Ground and building the said Offices, and making the said other Alterations, Additions, and Improvements to the said Courts, any such further Sum or Sums of Money not exceeding the Sum of Fifty thousand Pounds as shall by the said Commissioners be required.

chequer, certain Sums for Purchase of Ground and building Offices.

II. And be it further enacted, That if it shall happen that the General Fund belonging to the Suitors of the said Courts shall at any Time be reduced to a Sum not greater than the Amount of the Sums in the said herein-before recited Acts mentioned and required to be paid by the Governor and Company of the said Bank, and the Sum of Fifty thousand Pounds which by this Act may be paid out of such General Fund, after the same shall be paid, then and in such Case the Governor and Company of the said Bank shall from Time to Time be reimbursed from and out of His Majesty's Treasury so much of the several Sums in the said Act mentioned, and of the said Sum of Fifty thousand Pounds, or so much thereof as shall have been paid by virtue of this Act, as shall appear to the Commissioners of His Majesty's Treasury for the Time being, or to the Lord High Treasurer for the Time being, to be necessary to provide a Fund sufficient to answer the Demands of the Suitors of the said Courts upon the said Bank.

In case of Deficiency of Amount for said Purposes Treasury to advance.

III. And be it further enacted, That the said Commissioners, and their Agents, Surveyors, Workmen, and all other Persons by them employed and authorized, shall and may, at all such Times as to the said Commissioners may seem fit and convenient, enter into and upon any Lands or Grounds whatsoever which it may be deemed proper or necessary to survey for the Purpose of making any Alteration, Erection, or Improvement under the Provisions of this Act; and that the said Commissioners shall have Power and Authority to take and acquire all such Ground as may be necessary for any such Alteration, Erection, or Improvement, rendering therefor, or for any Damage which may be occasioned thereby, such Satisfaction to the Proprietor or Proprietors, Occupier or Occupiers, as may be agreed upon between the said Commissioners and such Proprietor or Proprietors, Occupier or Occupiers; and in case they cannot agree, then upon Payment of such Sum or Sums of Money as shall be awarded by a Jury of Twelve Persons summoned and chosen by the Sheriffs of the County of the City of *Dublin* in such Manner as Juries are summoned and chosen by such Sheriffs, whose Determination is hereby declared to be final; and if such Jury shall award a larger Sum than may have been offered by such Commissioners, the Expence attending such Jury shall be paid by the said Commissioners out of the Monies hereby placed at their Disposal; and if such Jury shall award no more or any Sum less than that offered by the said Commissioners, the Expence of such Jury shall be defrayed and borne by the Person or Persons who shall not have agreed with such Commissioners: Provided always, that after having offered to any Proprietor or Proprietors, Occupier or Occupiers of any Lands, Tenements, or Premises such Sum as such Commissioners shall think reasonable, it shall and may be lawful for them, without further Delay, to enter into and upon such Lands, Tenements, or Premises for the Purposes of this Act, and to proceed to carry the same into effect.

Power to Commissioners to take Land, &c. rendering Satisfaction for the same.

In case of the Parties not agreeing, a Jury to be empannelled.

IV. And

Incapacitated Persons empowered to treat for Sale of Lands.

IV. And be it further enacted, That after any Lands, Tenements, or Premises shall have been set out and ascertained, it shall be lawful for all Bodies Politic, Corporate, and Collegiate, Corporations Aggregate or Sole, Tenants in Tail or for Life, or for any other partial or qualified Estates or Interests, Husbands, Guardians, Trustees, and Feoffees in Trust for charitable or other Purposes, Committees, Executors, and Administrators, and all Trustees and Persons whomsoever, not only for and on behalf of themselves, their Heirs and Successors, but also for and on behalf of the Person or Persons entitled in Reversion, Remainder, or Expectancy after them, if incapacitated, and for and on behalf of their Cestuique Trusts, whether Infants, Issue unborn, Lunatics, Idiots, Femes Covert, or other Person or Persons, and to and for all Femes Covert who are or shall be seised, possessed of, or interested in their own Right, or entitled to Dower or other Interest in the same, and for all and every other Person and Persons whomsoever who is, are, or shall be seised, possessed of, or interested in any Lands, Tenements, or Premises which shall be so set out and ascertained for the Purposes aforesaid, to contract for, sell, and convey the same and every Part thereof unto the said Commissioners for the Execution of this Act, or in such Manner and to such Persons or Body Politic as the said Society of King's Inns shall direct; and all such Contracts, Agreements, Sales, Conveyances, and Assurances shall be made at the Expence of the said Commissioners, and such Expence shall be by them deducted from the Sum hereby authorized to be granted for the Purposes of this Act; and all such Contracts, Agreements, Sales, Conveyances, and Assurances shall be made according to the following Form, or as near thereto as the Number of the Parties and the Circumstances of the Case will permit; (namely,)

Form of Conveyance.

'I of in consideration of the Sum of to me paid by the Commissioners appointed under an Act passed in the Fifth Year of the Reign of His Majesty King *William* the Fourth, intituled [*here set forth the Title of this Act*], do hereby grant and release to the said Commissioners [*or other Grantee*] all [*describing the Premises to be conveyed*], together with all Ways, Rights, and Appurtenances thereunto belonging, and all my Estate, Right, and Interest in the same and every Part thereof; to hold to the said Commissioners [*or other Grantee*] and their Successors [*or Heirs*] for ever. In witness whereof I have hereunto set my Hand and Seal the Day of in the Year of our Lord One thousand eight hundred and thirty .'

And all Conveyances and Assurances aforesaid shall be good and valid and effectual in Law to all Intents and Purposes, and shall operate and be good as a Merger of all out-standing Terms of Years, and be a complete and effectual Bar to all Estates Tail and other Estates, Rights, Titles, Remainders, Reversions, Limitations, Trusts, Charges, Incumbrances, and Interests whatsoever.

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ANNO QUARTO & QUINTO

GULIELMI IV. REGIS.

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CAP. LXIX.

An Act for placing the *Mumbles Head* Lighthouse in the County of *Glamorgan* under the Management of the Corporation of the *Trinity House* of *Deptford Strond*. [13th *August* 1834.]

WHEREAS an Act was passed in the Thirty-first Year of the Reign of His Majesty King *George* the Third, intituled *An Act for repairing, enlarging, and preserving the Harbour of* Swansea *in the County of* Glamorgan: And whereas another Act was passed in the Thirty-sixth Year of the Reign of His said Majesty, intituled *An Act to amend and render more effectual an Act made in the Thirty-first Year of His present Majesty, for repairing, enlarging, and preserving the Harbour of* Swansea *in the County of* Glamorgan, *and for making Improvements in the Lights at the* Mumbles: And whereas another Act was passed in the Forty-fourth Year of the Reign of His said Majesty, intituled *An Act for amending and enlarging the Powers of Two Acts passed for preserving the Harbour of* Swansea *in the County of* Glamorgan, *and for further improving the same*: And whereas the Trustees appointed under the said Acts have erected and maintained a Lighthouse at the *Mumbles Head* in the County of *Glamorgan*, and the said Lighthouse is of Importance for the Safety of Ships and Vessels navigating the *Bristol Channel* or *Severn Sea*: And whereas the Money annually collected on account of the said Lighthouse has exceeded the Expenditure thereon, and no Provision was made by

31 G. 3. c. 83.

36 G. 3. c. 93.

44 G. 3. c. 56.

the

the said Acts for the Appropriation of any surplus Revenue: And whereas the said Trustees are willing and desirous to repair and maintain the said Lighthouse out of the Revenues of the Harbour of *Swansea* aforesaid, in consideration of such Surplus being transferred to them: And whereas it is expedient that such Lighthouse should be continued under the Management of the said Trustees, but subject to the Controul and Direction of the Corporation of *Trinity House* of *Deptford Strond*, and that such Surplus should be transferred to the said Trustees, who should repair and maintain the said Lighthouse out of the Revenues of the said Harbour: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said Lighthouse shall be and remain vested in the said Trustees as before, and they are hereby required to keep and maintain the same in proper Repair, and to cause a good and sufficient Light to be kept constantly burning and exhibited therein from Sun-setting to Sun-rising throughout the Year, for the Benefit and Security of all Ships and Vessels navigating the *Bristol Channel* or *Severn Sea*.

Lighthouse to remain vested in the Trustees, who are to maintain the same.

II. And be it enacted, That it shall be lawful for the said Corporation of *Trinity House* to superintend and regulate the Acts and Proceedings of the said Trustees in relation to the said Lighthouse and the Light to be exhibited therein, and from Time to Time to prescribe and direct any Alterations to be made in the said Lighthouse, and the Description and Power of such Light; and all such Regulations and Directions shall be binding upon and shall be from Time to Time duly observed by the said Trustees.

The Corporation of Trinity House to superintend and regulate the Acts of the Trustees.

III. And be it further enacted, That the Rates or Duties imposed by the said recited Acts or any of them on Ships and Vessels navigating the *Bristol Channel* or *Severn Sea*, and which are assessable and payable to such Lights, shall from and after the passing of this Act cease to be levied and collected, except in the Events hereinafter mentioned; and all Sums of Money now in the Hands of the said Trustees, or due to them on account of the said Light, shall be added to and form Part of the Funds of the said Trustees of the Harbour of *Swansea*; and the said Trustees are hereby required to defray all the Costs, Charges, and Expences of supporting and maintaining the said Lighthouse and Light in good Condition out of the Rates or Duties imposed by the said recited Acts or any of them in respect of the said Harbour: Provided always, that if in consequence of the rebuilding of the said Lighthouse or of any extraordinary Repairs therein having become necessary (the Necessity for such rebuilding or of such extraordinary Repairs not having arisen from the Neglect or Default of the said Trustees), or any extensive Alteration in the Construction of the said Lighthouse, or in the Mode of exhibiting the said Light, and which Alterations shall be deemed necessary by the *Trinity House* for the general Trade of the *Bristol Channel* or *Severn Sea*, the Sum of Three hundred Pounds and upwards shall have been expended in any Period not exceeding Seven Years consecutively beyond the ordinary current Expences of supporting

Rates to cease, except as after mentioned.

Sums in hand to be added to Harbour Funds.

Trustees to defray all Charges.

If rebuilding or considerable Repairs shall become necessary, and 300*l.* or more shall be expended therein, the Collection of the Rates, reduced as after mentioned, may

supporting and maintaining such Lighthouse and Light in good Condition as aforesaid, it shall be lawful for the said Trustees to resume the Collection of such Rates or Duties, not exceeding a Moiety of the Rates or Duties so imposed as aforesaid in respect of the said Light as shall be approved by the Corporation of *Trinity House*, until a Sum equal to the Amount expended over and above the Sum of Three hundred Pounds as aforesaid in such rebuilding or extraordinary Repairs or Alterations as aforesaid shall have been raised, and such Rates and Duties shall be raised, levied, collected, and recovered in the same Manner and by the same Ways and Means as the Rates and Duties imposed by the said recited Acts: Provided also, that such rebuilding, extraordinary Repairs, and Alterations as aforesaid, and the Costs and Expences thereof, shall from Time to Time be first approved of by the said Corporation of *Trinity House*, and be certified in Writing under their Seal: Provided always, that One Month's Notice in some Newspaper published in the County of *Glamorgan* shall from Time to Time be given by the said Trustees of their Intention to resume the Collection of such Rates or Duties, so reduced as aforesaid, in respect of the said Light, and of the Amount of Monies intended to be collected, and the Purposes for which such Monies are required; and that when and as soon as such Monies shall be collected a Statement of the Receipt and Appropriation thereof shall be inserted in some Newspaper published within the said County.

be resumed until the Expence be repaid.

Rebuilding, Repairs, &c. to be approved by the Trinity House.

IV. And be it further enacted, That if at any Time it shall appear to the said Corporation of *Trinity House* that the said Lighthouse is not kept in proper Repair, or that a good and sufficient Light is not exhibited therein, pursuant to the Provisions of this Act or of the said recited Acts, or if Complaint shall be made to the said Corporation to that Effect by any Person or Persons interested in the Trade of the said Channel or Sea, and possessed of Two thousand Tons of Shipping therein, and the same shall be proved to the Satisfaction of the said Corporation, it shall and may be lawful for the said Corporation (after One Month's Notice in Writing given to the said Trustees requiring them to repair such Lighthouse, and exhibit such good and sufficient Light, and their neglecting to repair and exhibit the same accordingly,) to enter into the Possession of the said Lighthouse, and to execute, do, and perform all necessary Repairs thereto, and exhibit a good and useful Light therein for the Time and in Manner aforesaid; and the Expence of all and every Part of such Repairs, and of exhibiting and maintaining such Light, shall be a Charge on and be paid by the said Trustees out of the said Rates or Duties of the Harbour of *Swansea* aforesaid; and the said Trustees, and their Treasurer, Receiver, Collector, and Comptroller for the Time being, and every of them, are and is hereby required to pay the same to the said Corporation out of such Rates or Duties in preference to all other Demands, Charges, or Incumbrances of what Nature or Kind soever in any way affecting the same.

If Lighthouse not kept in repair, or sufficient Light exhibited, the Corporation (after Notice to the Trustees) to repair the same.

V. Provided always, and be it further enacted, That nothing herein contained shall authorize the Levy or Collection of any Dues on His Majesty's Ships of War, or on any Transport Ship or Vessel employed

No Dues to be levied on Government Vessels.

employed in His Majesty's Service in the Conveyance of any Officers or Soldiers, or their Horses, Arms, Ammunition, or Baggage, or of any Ordnance, Barrack, or Commissariat Stores, or to any Vessel in the Service or Employ of the Ordnance, Customs, Excise, or General Post Office Departments.

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ANNO QUARTO & QUINTO

GULIELMI IV. REGIS.

***

Salary to Speaker.

and by the Authority of the same, That from and after the next Election of a Speaker of the House of Commons the net annual Salary of Five thousand Pounds shall be issued and paid out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland* to the Speaker of the House of Commons, in lieu and instead of the annual Sum of Six thousand Pounds now payable to the Speaker out of the said Fund.

Proviso as to present Speaker.

II. Provided always, and be it enacted, That nothing herein contained shall extend or be construed to extend to affect the present Speaker in the Event of his Election to that Office by any future Parliament or Parliaments.

Salary to Speaker's Secretary.

III. And be it enacted, That from and after the Determination of the Appointment of the Person now holding the Office of Secretary to the Speaker the Speaker's Secretary shall have and receive the net annual Sum of Five hundred Pounds in lieu and instead of any Salary, Fees, Perquisites, or Emoluments whatsoever payable to him in respect of his said Office of Speaker's Secretary, and of the Office of Secretary to the Commissioners of the Fee Fund of the House of Commons: Provided always, that the said Office of Secretary to the Commissioners of the Fee Fund of the House of Commons shall be held in conjunction with the Office of Secretary to the Speaker.

Salaries to Clerk, Clerk Assistant, &c.

IV. And be it enacted, That the Clerk of the House of Commons shall have and receive the net annual Sum of Two thousand Pounds, the Clerk Assistant the net annual Sum of One thousand five hundred Pounds, the Second Clerk Assistant the net annual Sum of One thousand Pounds, the Serjeant-at-Arms attending the Speaker of the House of Commons the net annual Sum of One thousand five hundred Pounds, and the Deputy Serjeant-at-Arms the net annual Sum of Eight hundred Pounds; which said respective annual Sums shall be in lieu and instead of the annual Sums granted to those Officers by the said recited Act passed in the Fifty-second Year of the Reign of King *George* the Third.

Act not to affect Persons now holding certain Offices.

V. Provided always, and be it enacted, That nothing hereinbefore contained shall extend or be construed to extend to affect, alter, diminish, or take away any Salary, Allowance, Perquisite, Emolument, or House held, used, or enjoyed by the Persons now holding the several and respective Offices of Clerk of the House of Commons, Clerk Assistant, Second Clerk Assistant, Serjeant and Deputy Serjeant, at the Time of passing this Act.

Sinecure Offices of Committee Clerk and Ingrossing Clerk abolished.

VI. And be it enacted, That the Offices of Principal Committee Clerk and of Clerk of Ingrossments in the House of Commons, now held as Sinecure Offices, shall be abolished: Provided always, that the Commissioners appointed by the said last-recited Act shall be and they are hereby authorized and empowered to make such Compensation out of the Fund under their Care and Management to the present Holders of the aforesaid Offices as may be consistent with the Circumstances of each individual Case.

VII. And

VII. And be it further enacted, That if the present Clerk Assistant should be promoted to the Office of Clerk of the House of Commons, or if the present Second Clerk Assistant should succeed to either of the Offices of Clerk Assistant or Clerk of the House of Commons, they shall have and receive the same Salary as they would respectively have been entitled to under the said recited Act of the Fifty-second Year of the Reign of His Majesty King *George* the Third; any thing in this Act contained to the contrary notwithstanding.

Saving for the present Clerk Assistant and Second Clerk Assistant in case either of them should be promoted.

VIII. And be it enacted, That the Salaries, Fees, Perquisites, and Emoluments receivable by or on account of the several Offices of Speaker's Secretary, Principal Committee Clerks, and Ingrossing Clerks, hereby abolished or regulated, shall be carried to and form a Part of the Fund under the Care and Management of the Commissioners for executing the said last-recited Act, which said Commissioners are hereby authorized and directed to pay the net annual Sums herein mentioned, and also the Compensations hereby authorized to be made, in such and the like Manner as they were directed to pay the several Sums in the said Act specified.

Salaries of abolished and regulated Offices carried to Fee Fund.

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ANNO QUARTO & QUINTO

GULIELMI IV. REGIS.

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CAP. LXXI.

An Act to repeal certain Provisions of Two Acts of His Majesty King *George* the Third, affecting the Printers, Publishers, and Proprietors of Newspapers in *Ireland*. [13th *August* 1834.]

WHEREAS by an Act passed in the Parliament of *Ireland* in the Thirty-eighth Year of the Reign of King *George* the Third, intituled *An Act to amend an Act passed in* 38 G. 3. (I.) *the Twenty-third and Twenty-fourth Years of the Reign of His present Majesty, intituled 'An Act to secure the Liberty of the Press 'by preventing the Abuses arising from the Publication of traitorous, 'seditious, false, and slanderous Libels by Persons unknown,'* it is amongst other things enacted, that if any Printer, Publisher, or Proprietor, or Printers, Publishers, or Proprietors of any Newspaper, Intelligencer, or Occurrences, or any Paper serving the Purposes of a Newspaper, Intelligencer, or Occurrences, shall have become and be found a Lunatic or *non compos mentis*, or shall become and be found bankrupt, or shall be outlawed for any Crime, or shall be found guilty and receive Judgment for printing or publishing any traitorous, scandalous, false, or seditious Libel, or shall be charged by Indictment or Information with having published a traitorous, scandalous, false, or seditious Libel, and shall not within Six Days after a Copy of such Indictment or Information shall be served upon such Printer, Publisher, or Proprietor, or at the House or Place of printing or publishing the Paper in which the Newspaper

containing such Libel shall be printed, surrender himself, herself, or themselves to take his, her, or their Trial at the then next Commission of Oyer and Terminer, Quarter Sessions of the Peace, or Assizes, for the City or County where he, she, or they shall be indicted as aforesaid, or where such Information as aforesaid is to be tried, every Printer and Publisher so neglecting shall from thenceforth be disabled to be the Printer, Publisher, or Proprietor of any Newspaper, Intelligencer, or Occurrences, and the Commissioners of Stamp Duties are thereby required to refuse to deliver to such Person or Persons stamped Paper for the Purpose of printing a Newspaper; and by an Act passed in the Parliament of the United Kingdom of *Great Britain* and *Ireland* in the Fifty-fifth Year of the Reign of His said Majesty King *George* the Third, intituled
55 G.3. c.80. *An Act to provide for the Collection and Management of Stamp Duties on Pamphlets, Almanacks, and Newspapers in* Ireland, it is also amongst other things enacted, that if any Printer, Publisher, or Proprietor of any Newspaper in *Ireland* shall be by due Course of Law outlawed for any Criminal Offence, or receive Judgment for printing or publishing a traitorous or seditious Libel, the said Commissioners of Stamps in *Ireland* and their Officers respectively are thereby prohibited to sell or deliver to or for the Use of any such Printer, Publisher, or Proprietor so outlawed, or who shall have so received Judgment for such Libel, any stamped Paper for printing any Newspaper; and it is also further enacted, that if any Printer, Publisher, or Proprietor of any Newspaper which shall be at any Time published in *Ireland* shall have become a Bankrupt or *non compos mentis*, or shall be outlawed for any Crime, or shall receive Judgment for printing or publishing any traitorous or seditious Libel, then and in every such Case such Printer or Printers, Publisher or Publishers, Proprietor or Proprietors respectively shall no longer be entitled to print or publish such Newspaper, but shall as to any such Right be considered from thenceforth as if he, she, or they never had made such Affidavit as in the said last-recited Act is mentioned: And whereas it is expedient to repeal the said recited Enactments; be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act so much of the said respective Acts as is herein-before recited shall be and the same is hereby repealed.

Certain Provisions of recited Acts repealed.

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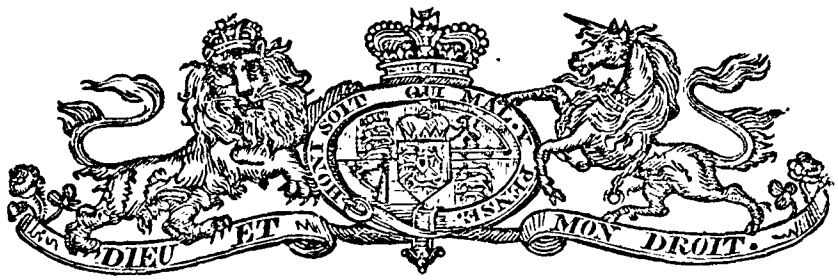

ANNO QUARTO & QUINTO

GULIELMI IV. REGIS.

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CAP. LXXII.

An Act to amend several Acts for authorizing the Issue of Exchequer Bills for carrying on Public Works and Fisheries and Employment of the Poor; and to authorize a further Issue of Exchequer Bills for the Purposes of the said Acts.

[14th *August* 1834.]

WHEREAS an Act passed in the Fifty-seventh Year of the Reign of His Majesty King *George* the Third, intituled *An Act to authorize the Issue of Exchequer Bills, and the Advance of Money out of the Consolidated Fund, to a limited Amount, for the carrying on of Public Works and Fisheries in the United Kingdom, and Employment of the Poor in* Great Britain, *in manner therein mentioned:* And whereas another Act passed in the same Session of Parliament, intituled *An Act to amend an Act made in the present Session of Parliament, for authorizing the Issue of Exchequer Bills and the Advance of Money for carrying on Public Works and Fisheries, and the Employment of the Poor:* And whereas another Act passed in the First Year of the Reign of His said late Majesty King *George* the Fourth, intituled *An Act to amend and continue Two Acts passed in the Fifty-seventh Year of His late Majesty King* George *the Third, for authorizing the Issue of Exchequer Bills and the Advance of Money for carrying on of Public Works and Fisheries and Employment of the Poor; and to extend the Powers of the Commissioners* 57 G. 3. c. 54. 57 G. 3. c. 124. 1 G. 4. c. 60.

for executing the said Acts in Great Britain: And whereas another Act passed in the First and Second Years of the Reign of His late
1 & 2 G. 4. c. 111. Majesty King *George* the Fourth, intituled *An Act to empower the Commissioners in* Great Britain *for the Execution of several Acts for authorizing the Issue of Exchequer Bills for carrying on Public Works and Fisheries and Employment of the Poor to extend the Time for the Payment of certain Advances under the said Acts:* And whereas another Act passed in the Third Year of the Reign of His said late
3 G. 4. c. 86. Majesty, intituled *An Act to amend Two Acts of the Fifty-seventh Year of the Reign of His late Majesty and the First Year of His present Majesty, for authorizing the Issue of Exchequer Bills the Advance of Money for carrying on Public Works and Fisheries and Employment of the Poor; and to authorize the further Issue of Exchequer Bills for the Purposes of the said Acts:* And whereas another Act passed in the Fourth Year of the Reign of His said late Majesty, intituled
4 G. 4. c. 63. *An Act to authorize the Advance of Money by the Commissioners under several Acts for the Issue of Exchequer Bills for the Public Works, for the building, rebuilding, enlarging, or repairing of Gaols in* England: And whereas another Act passed in the Fifth Year of the
5 G. 4. c. 36. Reign of His said late Majesty, intituled *An Act to amend and render more effectual the several Acts for the issuing of Exchequer Bills for Public Works:* And whereas another Act passed in the said last-mentioned
5 G. 4. c. 77. Year, intituled *An Act to amend the Acts for the Issue of Exchequer Bills for Public Works:* And whereas another Act passed in the Sixth
6 G. 4. c. 35. Year of His said late Majesty's Reign, intituled *An Act to render more effectual the several Acts for authorizing Advances for carrying on Public Works, so far as relates to* Ireland: And whereas another Act passed in the Seventh Year of the Reign of His said late Majesty, intituled
7 G. 4. c. 30. *An Act to amend the several Acts for authorizing Advances for carrying on Public Works, and to extend the Provisions thereof in certain Cases:* And whereas another Act passed in the Seventh and Eighth Years
7 & 8 G. 4. c. 12. of the Reign of His said late Majesty, intituled *An Act to amend an Act of the First Year of His present Majesty, for the Advance of Money for carrying on Public Works in* Ireland: And whereas
7 & 8 G. 4. c. 47. another Act passed in the said last-mentioned Year, intituled *An Act for the further Amendment and Extension of the Powers of the several Acts authorizing Advances for carrying on Public Works:* And whereas another Act passed in the First and Second Years of His
1 & 2 W. 4. c. 24. present Majesty, intituled *An Act to amend several Acts passed for authorizing the Issue of Exchequer Bills and the Advance of Money for carrying on Public Works and Fisheries and Employment of the Poor; and to authorize a further Issue of Exchequer Bills for the Purposes of the said Acts:* And whereas another Act was passed in the Third
3 & 4 W. 4. c. 32. and Fourth Years of the Reign of His present Majesty, intituled *An Act to amend the several Acts authorizing Advances for carrying on Public Works:* And whereas sundry Advances have been made by the Commissioners appointed by the said recited Acts for the Purposes and under the Regulation in the said Acts respectively contained, and Applications have been made and are by the several Acts authorized to be made to the said Commissioners for other Advances which the Funds remaining at their Disposal are insufficient to meet, and it is therefore expedient that a further Advance of Exchequer Bills should be placed at the Disposal of the said Commissioners for the like Pur-

poses, and subject to the like Terms and Conditions, mentioned in the said recited Acts or any of them, or in any Act or Acts having reference thereto, except so far as such Terms and Conditions may be altered or extended by this Act: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the King's most Excellent Majesty may, by Warrant or Warrants under His Royal Sign Manual, authorize the Commissioners of His Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland* now or for the Time being, or any Three or more of them, or the Lord High Treasurer of the United Kingdom of *Great Britain* and *Ireland* for the Time being, to cause or direct any Number of Exchequer Bills to be made out at His Majesty's Exchequer in *Great Britain*, not exceeding in the whole the Sum of One Million, in the same or like Manner, Form, and Order, and according to the same or the like Rules and Directions (except where other Directions for making out the same are contained and particularly expressed in this Act), as in and by an Act passed in the Forty-eighth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for regulating the issuing and paying off Exchequer Bills*, are enacted and prescribed.

His Majesty may authorize the Commissioners of the Treasury to issue Exchequer Bills to the Amount of One Million.

48 G. 3. c. 1.

II. And be it further enacted, That all the Powers, Authorities, Regulations, Clauses, Provisoes, Privileges, Advantages, Penalties, Forfeitures, and Disabilities contained in the said recited Act of the Forty-eighth Year of His said late Majesty's Reign shall be applied and extended to the Exchequer Bills to be made in pursuance of this Act, as fully and effectually to all Intents and Purposes as if the said several Clauses or Provisoes had been particularly repeated and re-enacted in the Body of this Act.

Powers of last-recited Act to extend to this Act.

III. And be it further enacted, That the said Exchequer Bills to be made in pursuance of this Act shall bear an Interest not exceeding the Rate of Two-pence *per Centum per Diem* upon or in respect of the whole of the Money contained therein, and shall be made payable at the Period herein-after mentioned.

Bills to bear an Interest of 2*d.* per Cent. per Diem.

IV. Provided always, and be it further enacted, That the Exchequer Bills to be made out by virtue of this Act, or so many of them as shall from Time to Time remain undischarged and uncancelled after the respective Days on which they shall become due and payable, shall after that Time pass and be current to all Receivers and Collectors in *Great Britain* of the Customs, Excise or any Revenue, Supply, Aid, or Tax whatsoever due or payable to His Majesty, His Heirs or Successors, and also at the Receipt of Exchequer in *Great Britain* for the said Receivers or Collectors; but no such Receiver or Collector shall exchange at any Time before the said Day of Payment thereof for any Money of such Revenues, Aid, Taxes, or Supplies in his Hands any Exchequer Bills which shall have been issued as aforesaid by virtue of this Act, nor shall any Action be maintained against any such Receiver or Collector for neglecting or refusing to exchange any such Exchequer Bill for ready Money before the said Day of Payment thereof, any thing in this Act to the contrary notwithstanding;

Bills when payable to pass current;

but not to be received in Payment of Taxes before the Day appointed for their Payment.

withstanding; and that such of the same Bills as shall be received at the said Receipt of Exchequer shall be locked up and secured as Cash according to the Course of the said Exchequer settled and established by Law for locking up and securing Monies received in Specie there.

Exchequer Bills to be payable within One Year from Date, with Interest.

V. And be it further enacted, That from and after the passing of this Act all Exchequer Bills which at any Time after the passing of this Act shall be made out and issued in pursuance of either of the said recited Acts or this Act, and advanced for any of the Purposes mentioned in the said recited Acts or any of them, or in this Act, shall be made payable within One Year from the Date thereof respectively; and that the Principal Sum mentioned in every such Bill, together with the Interest thereon at the Rate aforesaid, to be computed from the Day of the Date of such Bills respectively until the Time of Payment thereof, shall be chargeable on some Part of the Aids or Supplies for the Year next succeeding the Day of the Date of the said Bills respectively.

Officers of the Exchequer not to receive any Fees other than allowed by Treasury.

VI. And be it further enacted, That no Officer or other Person employed in and about the Execution of the said recited Acts and this Act in the Receipt of His Majesty's Exchequer in *Great Britain* shall demand, take, or accept any Fee or Gratuity whatsoever for their Care and Labour therein, other than such Salaries, Allowances, Rewards, or Emoluments as shall or may be granted to or be allowed to be taken by them respectively under the Authority of the said Commissioners of His Majesty's Treasury, or any Three or more of them, or the Lord High Treasurer for the Time being in *Great Britain*.

Commissioners appointed under recited Acts to be Commissioners under this Act.

VII. And be it further enacted, That the several Persons who in and by the said recited Acts or any of them are constituted Commissioners for the Execution of the said Acts, or so many of them as shall be living at the Time of the passing of this Act, shall be and they are hereby constituted Commissioners for the Execution of the said recited Acts and this Act; and all Acts authorized by the said recited Acts and this Act to be done and executed by the said Commissioners may be done and executed by any Three or more of them.

Commissioners to take the following Oath.

VIII. And be it further enacted, That the said Commissioners named in the said recited Acts or either of them shall, before they enter upon the Execution of this Act, sign a Declaration to the following Effect:

'I *A. B.* do declare, That according to the best of my Judgment 'I will faithfully and impartially execute the several Duties, 'Powers, and Trusts vested in me by an Act, intituled [*here insert 'the Title of this Act*], according to the Tenor and Purport of the 'said Act, the Acts therein recited, and other Acts having reference 'thereto.'

And that such Declaration shall be kept and entered with the other Proceedings of the said Commissioners.

IX. And

Manner of advancing Bills by Commissioners.

IX. And be it further enacted, That when the Commissioners for the Execution of the said recited Acts and this Act shall have determined upon any Amount of Exchequer Bills to be advanced under the Provisions of the said recited Acts or any of them, or this Act, the said Commissioners, or any Three or more of them, shall forthwith certify such Amount to the Auditor of the Receipt of His Majesty's Exchequer at *Westminster* for the Time being, who, on such Certificate or Certificates being deposited in his Office, shall cause and direct to be delivered to the Bearer or Bearers thereof Exchequer Bills payable at the Period before mentioned, and to such Amount as the said Commissioners shall direct; provided the total Amount to be issued by virtue of such Certificates shall not at any Time exceed the Amount of such Exchequer Bills directed to be issued under the said recited Acts and this Act; and every such Exchequer Bill shall bear Date on the Day on which the said Certificates shall appoint and direct, and shall and may be signed by the Auditor of the Receipts of His Majesty's Exchequer, or in his Name by any Person duly authorized by the said Auditor to sign the same.

Bills issued not to exceed Amount directed by this and recited Acts.

Lists of Exchequer Bills issued to be delivered to Commissioners.

X. And be it further enacted, That the Officers by whom such Exchequer Bills shall be delivered shall from Time to Time, upon Requisition of the said Commissioners for the Execution of the said recited Acts and this Act, to them, at their Office, give complete Lists of all the Exchequer Bills made out and delivered by them, specifying therein the respective Days and Sums expressed therein, and the Period appointed for the Payment of the same, and distinguishing therein the Persons to whom and the Numbers of the Certificates by virtue whereof the same were issued respectively.

Clauses, Powers, &c. respecting Advances and Accounts made under recited Acts to extend to Advances made by Commissioners under this Act.

XI. And be it further enacted, That all the Clauses, Powers, Provisoes, Directions, Regulations, Authorities, Restrictions, Privileges, Priorities, Advantages, Penalties, and Forfeitures contained in the said recited Acts or any of them in relation to any Advances made or to be made under the said recited Acts or any of them, or for the Recovery, Repayment, and Application of such Advances after Repayment, and the Accounts to be kept in relation thereto, shall extend and are hereby extended and made applicable to the said Commissioners, and all other Persons, Parties, Bodies Politic or Corporate, in respect to all Advances which shall be made by the said Commissioners, and all Acts done or directed by the Lord Commissioners of His Majesty's Treasury, or the said Commissioners for executing this Act and the said recited Acts, or either of them, under the Authority of the said recited Acts and this Act, and the Recovery, Repayment, and Application of such Advances, and of all Accounts in respect of the same, in such and the like Manner, to all Intents, Constructions, and Purposes whatsoever, as if such Clauses, Powers, Provisoes, Directions, Regulations, Authorities, Restrictions, Privileges, Priorities, Advantages, Penalties, and Forfeitures had been particularly and severally repeated and re-enacted in the Body of this Act, except only so far as the same are amended or altered by this Act.

Further Advances may be made on unfinished Works, on Mortgage of such Works, or other Security.

XII. And whereas in some Cases Advances have been made by the said Commissioners towards the Completion of Public Works which yet remain unfinished in consequence of the Expence of completing the same having, from unforeseen Circumstances, exceeded the Sum estimated for the Completion thereof, and the Capital provided for such Completion at the Time of the Application for such Advances, and it is expedient, for the Security of the Money already expended and advanced on such unfinished Works, that in addition to the Powers and Remedies provided by the said recited Acts, or some or one of them, for making Calls on the Proprietors or Shareholders of such unfinished Works or Undertakings under the Circumstances aforesaid, that the said Commissioners should have Authority, if they should think fit, to make Advances in anticipation of such Calls, or on the Security of a further Mortgage of such unfinished Works, with a view to the Completion thereof; be it therefore enacted, That in all Cases in which the said Commissioners have made or shall hereafter make Advances, under the Powers of the said recited Acts or this Act, for any incomplete Work or Undertaking, which shall, after the Expenditure of such Advance and the Capital provided for the same, remain unfinished in consequence of the Expence of perfecting the same exceeding the Sum estimated for the Completion thereof at the Time of the Application for such Advance, it shall be lawful for the said Commissioners to make any further Advance for or towards the Completion of any such incomplete Work, either in anticipation of the Calls to which the Proprietors or Shareholders of such Work shall be liable under the Provisions of the said recited Acts or either of them, or on the Security of further Mortgages of the same Works, or upon such other Security, and upon such Terms and Conditions as to the Periods of Repayment or otherwise, as the said Commissioners may direct or appoint; and that such further Mortgages and other Securities shall be entitled to such and the like Priority, Privileges, and Advantages as any Mortgage or other Security which may have been previously granted to the said Commissioners on such unfinished Work; any thing contained in any Act or Acts relating to such Works, or restricting the Amount of Capital to be raised by Shares, Mortgage, or otherwise, on account thereof, or in any of the said recited Acts or this Act, to the contrary notwithstanding.

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ANNO QUARTO & QUINTO

GULIELMI IV. REGIS.

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CAP. LXXIII.

An Act to grant Relief from the Duties of Assessed Taxes in certain Cases. [14th *August* 1834.]

WHEREAS it is expedient to grant Relief from certain of the Duties of Assessed Taxes in the several Cases hereinafter particularly mentioned: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That upon all Assessments made or to be made for any Year commencing after the Fifth Day of *April* One thousand eight hundred and thirty-four the Exemptions from the Duties of Assessed Taxes in the several Cases herein-after particularly mentioned shall be granted and allowed on the Terms and Conditions herein-after specified.

Exemptions granted on Assessments made after 5th April 1834:

II. And be it enacted, That every Dwelling House, being a Farmhouse *bonâ fide* used for the Purposes of Husbandry only, and occupied by the Tenant of a Farm at Rack-rent the Rent of which Farm shall be less than Two hundred Pounds a Year, or occupied by any Person who shall be the Occupier of any Estate on any other Tenure than as Tenant at Rack-rent solely, or by the Occupier of such Estate as last mentioned who shall also be the Occupier of a Farm at Rack-rent the Value of which in the whole shall be less than equivalent to a Farm at the Rack-rent of Two hundred Pounds a Year, (reckoning the Value of every Estate occupied by the Owner thereof, or on any other Tenure than as Tenant at Rack-rent, as equivalent to Double the Amount of the like Farm at Rack-rent,) shall be exempt from the Duties on Windows or Lights granted by an Act passed in the Forty-eighth Year of the Reign of King *George* the Third, and specified in the Schedule marked (A.) thereto annexed; provided the Occupier of such Dwelling House shall not derive any Profit or Income exceeding One hundred Pounds a Year from any other Source than the said Farm or Estate so occupied by him as aforesaid.

Farmhouses belonging to Farms under 200*l.* a Year exempted from the Duties on Windows.

III. And

Exemption in respect of Male Servants under Eighteen Years of Age.

III. And be it enacted, That the Duties granted by the said Act of the Forty-eighth Year of the Reign of King *George* the Third, and by another Act passed in the Fifty-second Year of the said King's Reign, for or in respect of Male Servants or Persons retained or employed in the several Capacities mentioned in Schedule (C.) Numbers 1. 3. and 4. to the said Acts respectively annexed, shall cease to be paid or payable for or in respect of any Male Servant or Person retained or employed by any Person residing in the Parish or Place in which such Male Servant or Person shall have a legal Settlement; provided such Male Servant or Person shall not have attained the Age of Eighteen Years before the Sixth Day of *April* in the Year for which any such Assessment shall be made; and provided such Exemption shall be duly claimed in the Manner herein-after directed.

Roman Catholic Clergymen exempted from the additional Duties granted in respect of Bachelors Servants.

IV. And whereas by the said Acts respectively passed in the Forty-eighth and Fifty-second Years of King *George* the Third certain further Duties over and above the other Duties therein mentioned are granted and made payable for every Male Servant retained or employed in any of the Capacities mentioned in Schedule (C.) Number 1. to the said Acts respectively annexed, by any Male Person never having been married; be it enacted, That the said further or additional Duties so granted and made payable as aforesaid by reason or on account of the Person retaining or employing any such Male Servant never having been married shall cease to be paid or payable for or in respect of any Male Servant retained or employed by any Priest of the Roman Catholic Faith who shall have duly taken and subscribed the Oaths and Declarations required by Law; provided such Priest shall duly return a List of all such Servants retained or employed by him, and shall add the Letter B. to the Signature of his Name to every such List, in like Manner as other Persons never having been married are required by the Laws in force to denote the same by adding the said Letter B. to their Signatures to such Lists as aforesaid; and provided such Exemption shall be duly claimed in the Manner herein-after directed.

Clergymen and Dissenting Ministers, whose Incomes are under 120*l.* a Year exempted from the Duty on One Riding Horse.

V. And be it enacted, That any Rector, Vicar, or Curate actually doing Duty in the Church or Chapel of which he is Rector, Vicar, or Curate, (except such Person who shall occasionally perform the Duty appertaining to any Rector, Vicar, or Curate, without being the regular Officiating Minister of the Parish or Place in which such Duty shall be performed,) and any Priest of the Roman Catholic Faith who shall have duly taken and subscribed the Oaths and Declarations required by Law, and any Teacher or Preacher of any separate Congregation of Protestant Dissenters whose Place of Meeting shall have been duly registered, such Teacher or Preacher having duly taken and subscribed the Oaths and Declaration required by Law, and not following any secular Occupation except that of a Schoolmaster, shall respectively be exempt from the Duties granted by any Act or Acts relating to the Duties of Assessed Taxes for One Horse, Mare, Gelding, or Mule kept or used for the Purpose of riding or of drawing any Carriage not chargeable with Duty; provided the Person claiming such Exemption shall not be possessed of an Income of One hundred and twenty Pounds *per Annum* or upwards, whether arising from Ecclesiastical Preferment or otherwise, and shall not keep more than One Horse, Mare, Gelding, or Mule, which otherwise would be

chargeable with Duty under the said Acts; and provided also, that such Exemption shall be duly claimed in the Manner herein-after directed.

Repeal of the Exemption granted by 11 G. 4. & 1 W. 4. c. 35. to Occupiers of Farms under 200*l.* a Year for the Duty on One Horse occasionally used for riding.

VI. And be it enacted, That so much of an Act passed in the First Year of His present Majesty's Reign, intituled *An Act to continue Compositions for Assessed Taxes for a further Term of One Year, and to grant Relief from and alter and repeal the said Duties in certain Cases*, as grants any Exemption from Duty in respect of One Horse, Mare, or Gelding retained and usually employed by any Person for the Purpose of Husbandry on the Farm or Estate occupied by him or her, although occasionally used for the Purpose of riding, where such Farm shall be of less Value than Two hundred Pounds *per Annum*, shall be and the same is hereby repealed; and in lieu of the said Exemption so repealed, there shall be granted and allowed the following Exemption, (that is to say,) every Person occupying a Farm or Estate which shall be of less Value than Five hundred Pounds a Year, estimated in the Manner herein-before directed with regard to the Exemption from the Duties on Windows and Lights, shall be exempt from the Duties granted by any Act or Acts relating to the Duties of Assessed Taxes for One Horse, Mare, Gelding, or Mule kept and used for the Purpose of riding, or of drawing any Carriage not chargeable with Duty; provided the Occupier of such Estate or Farm shall not keep more than One such Horse, Mare, Gelding, or Mule which otherwise would be chargeable with Duty under the said Acts, and shall not derive any Profit or Income exceeding One hundred Pounds a Year from any other Source than the said Estate or Farm so occupied by him as aforesaid; and provided such Exemption shall be duly claimed in the Manner herein-after directed.

Exemption granted in lieu thereof to the Occupiers of Farms under 500*l.* a Year.

Exemption in respect of Husbandry Horses and Mules occasionally used for other Purposes of Draught, or let to draw for Hire.

VII. And be it enacted, That any Person shall be exempt from the Duties granted by any Act or Acts relating to the Duties of Assessed Taxes for any Horses, Mares, Geldings, or Mules *bonâ fide* kept and usually employed for the Purpose of Husbandry, although such Horses, Mares, Geldings, or Mules shall be occasionally used for other Purposes in drawing Burthens, and although such Horses, Mares, Geldings, or Mules shall be occasionally used by such Person or let by him for the Purpose of drawing for Hire or Profit; provided such Horses, Mares, Geldings, or Mules shall not be used for drawing any Carriage chargeable with Duty.

Licensed Postmasters allowed to use their Post Horses in Husbandry, and in drawing Manure, Fodder, &c. without being liable to Duty.

VIII. And whereas by the said Act passed in the Fifty-second Year of the Reign of King *George* the Third, any Postmaster, Innkeeper, or other Person licensed for that Purpose by the Commissioners appointed to manage the Duties charged on stamped Vellum, Parchment, and Paper, is exempted from the Duties granted by the said Act in respect of any Horse, Mare, or Gelding let to Hire by him or her; provided that such Horse, Mare, or Gelding shall in every Case be *bonâ fide* let to Hire by him or her in such Manner that the Stamp Office Duty shall be payable on such Horses let to Hire on each Letting, and shall be accounted for by Delivery of the Ticket denoting the Stamp Office Duty payable, and be duly satisfied and paid on each Letting according to the Directions of the Act or Acts granting such Stamp Duty, without making Composition for the same; and provided that such Horse, Mare, or Gelding shall not on any Occasion be used by such licensed Person, or any other, without such Letting to Hire and Payment of Stamp Duty as aforesaid; be it enacted, That no such Postmaster, Innkeeper, or other Person licensed as aforesaid shall be chargeable with

with any Duty under any Act or Acts relating to the Duties of Assessed Taxes in respect of any Horse, Mare, or Gelding *bonâ fide* kept for the Purpose of being let to Hire in manner aforesaid, by reason of such Horse, Mare, or Gelding being also used by him or her for the Purpose of Husbandry, or for the Purpose of drawing Fuel to his or her Dwelling House, or of drawing Manure, or Hay, Straw, Corn, or any Description of Fodder, to or from the Stables or Premises of such Postmaster or Innkeeper or Person licensed as aforesaid.

Exemption in respect of Horses rode by Bailiffs, Shepherds, and Herdsmen.

IX. And be it enacted, That any Person shall be exempt from the Duties granted by any Act or Acts relating to the Duties of Assessed Taxes in respect of One Horse, Mare, Gelding, or Mule, *bonâ fide* kept for and usually employed by any Bailiff upon the Concerns of any Farm or Farms with which such Bailiff may be entrusted, and also in respect of One Horse, Mare, Gelding, or Mule *bonâ fide* kept for and employed by any Shepherd or Herdsman solely in tending Sheep or Cattle; provided the several Exemptions last mentioned shall respectively be claimed in the Manner herein-after directed.

Exemption in respect of Dogs kept for the Care of Sheep.

X. And be it enacted, That any Person shall be exempt from the Duty granted by the said several Acts in respect of any Dog or Dogs *bonâ fide* and wholly kept and used in the Care of Sheep or Cattle; provided no such Dog shall be a Greyhound, Hound, Pointer, Setting Dog, Spaniel, Lurcher, or Terrier; and provided such Exemption shall be duly claimed in the Manner herein-after directed.

Exemptions to be claimed in the Manner directed by 43 G. 3. c. 161. s. 36.

XI. Provided always, and be it enacted, That in the several Cases of Exemption granted by this Act in respect of any of the Duties on Male Servants, on Horses, Mares, Geldings, or Mules, and on Dogs, where such Exemption is directed by this Act to be claimed, all such Servants, Horses, Mares, Geldings, or Mules, and Dogs, respectively, shall be duly returned to the Assessor; and every such Exemption shall be claimed by the Party seeking the Benefit thereof in the Manner directed by an Act passed in the Forty-third Year of the Reign of King *George* the Third with regard to other Exemptions from the Duties of Assessed Taxes; and no such Exemption shall be allowed unless the same and the Cause thereof shall be duly returned to the Assessor in the Manner directed by the said Act.

Servants, Horses, and Dogs wholly exempted from Duty not to be reckoned for the Purpose of assessing the progressive Duties in respect of other Servants, &c. kept by the same Person.

XII. And be it enacted, That wherever, under or by virtue of this Act, or of any other Act or Acts relating to the Duties of Assessed Taxes, any Person is or shall be wholly exempted from Duty in respect of any Male Servant, or any Horse, Mare, or Gelding, or any Dog, respectively retained or employed or kept by him, such Male Servant, or such Horse, Mare, or Gelding, or Dog, shall not be counted or reckoned for the Purpose of assessing or increasing the progressive or other Duties payable by such Person in respect of any other Male Servants, or Horses, Mares, or Geldings, or Dogs, respectively retained or employed or kept by him, but that all such last-mentioned Duties shall be assessed and charged on such Person without reference to the Male Servant, Horse, Mare, or Gelding, or Dog, in respect of which such total Exemption from Duty as aforesaid shall be duly allowed.

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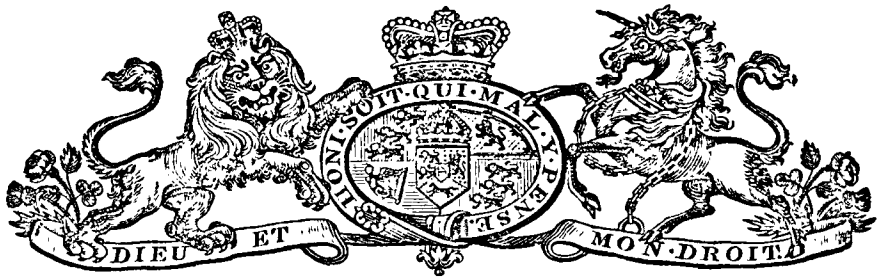

ANNO QUARTO & QUINTO

GULIELMI IV. REGIS.

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CAP. LXXIV.

An Act to continue until the Fifth Day of *March* One thousand eight hundred and thirty-five, and from thence to the End of the then next Session of Parliament, an Act of the Fifty-fourth Year of His Majesty King *George* the Third, for rendering the Payment of Creditors more equal and expeditious in *Scotland*. [14th *August* 1834.]

WHEREAS an Act was passed in the Fifty-fourth Year of the Reign of His Majesty King *George* the Third, intituled *An Act for rendering the Payment of Creditors more equal and expeditious in* Scotland, which Act was to continue for Seven Years from the Twenty-fifth Day of *July* One thousand eight hundred and fourteen, and from thence to the End of the then next Session of Parliament, and was continued by several Acts passed in the Third, Fourth, Sixth, Seventh, Eighth, and Tenth Years of the Reign of His late Majesty King *George* the Fourth, and First Year of the Reign of His present Majesty, and was also, by an Act passed in the Second Year of His said present Majesty's Reign, continued until the Fifth Day of *March* One thousand eight hundred and thirty-three, and from thence to the End of the then next Session of Parliament: And whereas it is expedient that the said Act should be continued for a further Term: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present 54 G. 3. c. 137.

present Parliament assembled, and by the Authority of the same, That the said Act of the Fifty-fourth Year of the Reign of His said Majesty King *George* the Third, for rendering the Payment of Creditors more equal and expeditious in *Scotland*, shall be and the same is hereby further continued until the Fifth Day of *March* One thousand eight hundred and thirty-five, and from thence to the End of the then next Session of Parliament.

Recited Act continued till 5th March 1835.

II. And be it further enacted, That this Act and the said recited Act may be amended, altered, or repealed by any Act or Acts to be passed in this present Session of Parliament.

Act may be amended this Session.

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ANNO QUARTO & QUINTO

GULIELMI IV. REGIS.

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CAP. LXXV.

An Act to repeal the Duties on Spirits made in *Ireland*, and to impose other Duties in lieu thereof; and to impose additional Duties on Licences to Retailers of Spirits in the United Kingdom.

[14th *August* 1834.]

WHEREAS it is expedient to repeal the Duties payable in respect of Spirits made or distilled in or warehoused in *Ireland*, and to impose other Duties in lieu thereof, and to impose additional Duties on Licences to be taken out by Retailers of Spirits in the United Kingdom: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the First Day of *September* One thousand eight hundred and thirty-four all the Duties of Excise on Spirits made in or warehoused in *Ireland* shall cease and determine, and be no longer paid or payable, save and except in all Cases relating to the suing for, levying, and recovering of any Arrear thereof, or any Fine, Penalty, or Forfeiture which shall have been incurred before the said First Day of *September* One thousand eight hundred and thirty-four.

From and after 1st September 1834 Duties on Spirits made in or warehoused in Ireland repealed.

II. And be it further enacted, That from and after the said First Day of *September* One thousand eight hundred and thirty-four, in lieu of the said Duties of Excise so by this Act repealed, there shall be raised, levied, and collected and paid the Duties of Excise following; (that is to say,)

New Duties in lieu of Duties repealed.

For and upon every Gallon of Spirits of the Strength of Hydrometer Proof which shall be made or distilled in *Ireland*, or which shall be warehoused in *Ireland*, and taken out for Consumption, the Sum of Two Shillings and Four-pence, and so in proportion for any greater or less Degree of Strength, or any greater or less Quantity:

For and upon every Gallon of Spirits of such Strength as aforesaid which shall be made or distilled in *Ireland*, and which shall be or shall have been warehoused there free of Duty, and which shall be taken out of Warehouse for Removal into *Scotland* for Consumption,

tion, the Sum of Three Shillings and Four-pence, and so in proportion for any greater or less Degree of Strength, or any greater or less Quantity:

For and upon every Gallon of the like Spirits which shall be taken out of Warehouse for Removal to *England* for Consumption the Sum of Seven Shillings and Sixpence, and so in proportion for any greater or less Degree of Strength, or any greater or less Quantity.

Duties now granted to be raised and levied in the same Manner as former Duties.

III. And be it further enacted, That the said Duties of Excise hereby imposed shall be respectively raised, levied, collected, recovered, accounted for, and paid in such and the like Manner, and in and by any or either of the general or special Ways, Means, or Methods by which the former Duties of Excise hereby repealed were or might have been raised, levied, collected, recovered, accounted for, and paid; and every Pain, Penalty, Fine, and Forfeiture for any Offence whatever committed against or in breach of any Act or Acts on and immediately before the passing of this Act, and for securing the Revenue of Excise or other Duties under the Management of the Commissioners of Excise respectively, or for the Regulation or Improvement thereof, and the several Clauses, Powers, and Directions therein contained, shall and are hereby directed and declared to extend to, and shall be respectively applied, practised, and put in execution for and in respect of the said Duties of Excise hereby charged, in as full and ample a Manner to all Intents and Purposes as if all and every the said Acts, Clauses, Provisions, Powers, Directions, Pains, Penalties, and Forfeitures were particularly repeated and re-enacted in this Act.

Spirits may be removed from Warehouse in Scotland to Ireland, and when taken out for Consumption to be charged with a Duty of 2*s.* 4*d.* per Gallon.

IV. And whereas by reason of the Repeal of the Duties of Excise now payable on Spirits made or distilled in *Ireland*, and the Imposition of the other Duties of Excise in lieu thereof, the Duties on Spirits made or distilled in or warehoused in *Ireland* will be of a less Amount than the Duties of Excise payable in *Scotland* on Spirits made or distilled in *Scotland*, and it is therefore requisite to provide Regulations for the Removal of Spirits from *Scotland* into *Ireland*, and from *Ireland* into *Scotland*; be it therefore enacted, That from and after the said First Day of *September* One thousand eight hundred and thirty-four it shall be lawful to remove any Spirits from any Warehouse in which the same may be warehoused in *Scotland* to any Warehouse approved of by the Commissioners of Excise in *Ireland*, under the same Regulations and in the same Manner as may now be done by Law; and all such Spirits so removed and warehoused in *Ireland* shall, when taken out of Warehouse for Consumption in *Ireland*, be charged with the said Duty of Two Shillings and Four-pence *per* Gallon.

Removal of Spirits from Ireland to Scotland to be made under same Regulations as Spirits are removed from Ireland or Scotland to England. 6 G. 4. c. 80.

V. And be it further enacted, That all Spirits shall be removed from *Ireland* into *Scotland* under the Rules, Regulations, Restrictions, and Provisions for removing Spirits from *Scotland* or *Ireland* into *England* contained in an Act passed in the Sixth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to repeal the Duties payable in respect of Spirits distilled in* England, *and of Licences for distilling, rectifying, or compounding such Spirits, and for the Sale of Spirits, and to impose other Duties in lieu thereof, and to provide other Regulations for the Collection of the said Duties, and for the Sale of Spirits, and for the warehousing of such Spirits without Payment of Duty for Exportation*, respect being had to the different Amount of

Duty which shall be payable in *Scotland;* and all Enactments, Provisions, Restrictions, Rules, and Regulations in the said Act contained regulating the Removal of Spirits from *Scotland* or *Ireland* into *England*, together with all Pains, Penalties, Fines, and Forfeitures relating thereto, shall be in full Force and Effect, and be applied and enforced with respect to the Removal of Spirits from *Ireland* to *Scotland*, Reference being had to the different Amount of Duty, as fully and effectually as if the same were repeated and re-enacted in this Act.

Repayment of Malt Allowance not required on Spirits removed.

VI. Provided always, and be it further enacted, That nothing herein contained shall extend or be deemed or construed to extend to require the Repayment of any Malt Allowance on any Spirits distilled from Malt only which may be removed from *Scotland* to *Ireland* or from *Ireland* to *Scotland*.

Additional Duties on Licences for retailing Spirits.

VII. And be it further enacted, That there shall be raised, levied, collected, and paid throughout the United Kingdom the additional Rates and Duties of Excise following; (that is to say,)

Upon every Excise Licence to be taken out after the Tenth Day of *October* One thousand eight hundred and thirty-four by any Retailer of Spirits in *Great Britain* and *Ireland*, if the Dwelling House in which such Retailer shall reside or retail such Spirits shall not, together with the Offices and Premises therewith occupied, be rented or valued at a Rent of Ten Pounds *per Annum* or upwards, an additional Duty of One Pound and One Shilling:

If the same shall be rented or valued as aforesaid at Ten Pounds *per Annum* or upwards, and under Twenty Pounds, Two Pounds and Two Shillings:

If at Twenty Pounds and under Twenty-five Pounds, Three Pounds and Three Shillings:

If at Twenty-five Pounds and under Thirty Pounds, Three Pounds Thirteen Shillings and Sixpence:

If at Thirty Pounds and under Forty Pounds, Four Pounds and Four Shillings:

If at Forty Pounds and under Fifty Pounds, Four Pounds Fourteen Shillings and Sixpence:

If at Fifty Pounds *per Annum* or upwards, Five Pounds and Five Shillings.

And all such additional Duties shall be raised, levied, collected, recovered, accounted for, and paid in the same Manner, and under the same Provisions, Enactments, Pains, Penalties, and Forfeitures, as the Duties granted and imposed by an Act passed in the Sixth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act to repeal several Duties payable on Excise Licences in* Great Britain *and* Ireland, *and to impose other Duties in lieu thereof, and to amend the Laws for granting Excise Licences*, are raised, levied, collected, recovered, accounted for, and paid. 6 G. 4. c. 81.

Spirit Licences of Grocers in Ireland not to be affected.

VIII. Provided always, and be it further enacted, That nothing herein contained shall extend to impose any additional Duty on any Licence to retail Spirits to be taken out by any Person in *Ireland* duly licensed to trade in, vend, and sell Coffee, Tea, Cocoa Nuts, Chocolate, or Pepper, and not selling Spirits to be consumed in the House or Premises of such Retailer.

All Houses licensed at the passing

IX. And whereas by the said herein-before mentioned Act of the Sixth Year of the Reign of His said late Majesty the Rates of Duty

or

of this Act to continue to be deemed of the same Value so long as the present Persons hold them, and the Premises remain unaltered;

on Excise Licences taken out by Retailers of Beer, having the Authority of Justices of Peace to keep a common Inn, Alehouse, or Victualling House, and of Spirits, in *Great Britain*, were fixed and ascertained by the Rent or Value at which the House and Premises occupied or used by such Retailers were rated under the Authority of any Act or Acts of Parliament for granting Duties on inhabited Houses, and by an Act passed in this present Session of Parliament the said Duties on inhabited Houses are repealed, whereby it has become necessary to make Provision for ascertaining the Rent or Value of Houses and Premises in respect of which such Licences shall hereafter be taken out; be it therefore enacted, That every House and Premises in respect of which any Person shall be licensed as such Retailer of Beer or Spirits at the Time of the passing of this Act shall continue to be deemed of the same Rent or Value at which the same was assessed, and in respect of which the Licence Duty was paid on the last taking out or Renewal of the Licences by such Person, so long as such Person shall continue to hold the same, and to renew his Licences in respect thereof, and so long as such House and Premises shall remain unaltered; and in case of any such Person quitting such House and Premises, or of any Alteration therein, and in all Cases hereafter in which any such Licence or Licences shall be applied for in respect of any House or Premises not licensed at the passing of this Act, the Rent or annual Value of the House and Premises in respect of which such Licence or Licences shall be applied for shall be ascertained in the Manner and by the Means and Method prescribed by the said Act of the Sixth Year of His said late Majesty's Reign, where Houses and Premises were not so rated to the Duty on inhabited Houses; and the Rates of Licence Duty shall be fixed and paid in conformity thereto according to the Amount of Duty by the said recited Act and this Act imposed.

afterwards, the annual Value shall be ascertained by the Means prescribed by recited Act of 6 G. 4.

Licences under 9 G. 4. c. 47. for the Sale of exciseable Commodities on board Passage Vessels may be granted by Commissioners of Excise or their authorized Officer.

X. And whereas an Act was passed in the Ninth Year of the Reign of His late Majesty King *George* the Fourth, for regulating the Retail of exciseable Articles and Commodities to Passengers on board of Passage Vessels from one Part to another of the United Kingdom, and by an Omission in the said Act no Power is given to any Officer of Excise, or any other Persons than the Commissioners of Excise, to grant the Licences thereby authorized to be granted, whereby great Inconvenience and Delay is occasioned to Persons desirous of obtaining such Licences; for Remedy whereof be it further enacted, That all Licences to be granted under the said Act, or any other Act relating to the Revenue of Excise, may be granted by the Commissioners of Excise, or by any Officer or Officers of Excise who shall be authorized by the Commissioners of Excise to grant the same, and all Licences granted by any Officer or Officers so authorized shall be good, valid, and effectual; any thing in any Act contained to the contrary notwithstanding.

Act may be altered this Session.

XI. And be it further enacted, That this Act may be altered, repealed, or varied by any Act or Acts to be passed in this present Session of Parliament.

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ANNO QUARTO & QUINTO

GULIELMI IV. REGIS.

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duction of Papers, on Oath;

connected with or relating to the Administration of the Laws for the Relief of the Poor, and also to make any Inquiries and require any Answer or Returns as to any such Question or Matter, and also to administer Oaths, and examine all such Persons upon Oath, and to require and enforce the Production upon Oath of Books, Contracts, Agreements, Accounts, and Writings, or Copies thereof respectively, in anywise relating to any such Question or Matter; or, in lieu of requiring such Oath as aforesaid, the said Commissioners may, if they think fit, require any such Person to make and subscribe a Declaration of the Truth of the Matters respecting which he shall have been or shall be so examined: Provided always, that no such Person shall be required, in obedience to any such Summons, to go or travel more than Ten Miles from the Place of his Abode: Provided also, that nothing herein contained shall extend or be deemed to extend to authorize or empower the said Commissioners to act as a Court of Record, or to require the Production of the Title, or of any Papers or Writings relating to the Title of any Lands, Tenements, or Hereditaments not being the Property of any Parish or Union.

or to substitute a Declaration for an Oath;

but not to inquire into any Title.

To have a Common Seal.

III. And be it further enacted, That the said Commissioners shall cause to be made a Seal of the said Board, and shall cause to be sealed or stamped therewith all Rules, Orders, and Regulations made by the said Commissioners in pursuance of this Act; and all such Rules, Orders, and Regulations, or Copies thereof, purporting to be sealed or stamped with the Seal of the said Board, shall be received as Evidence of the same respectively, without any further Proof thereof; and no such Rule, Order, or Regulation, or Copy thereof, shall be valid, or have any Force or Effect, unless the same shall be so sealed or stamped as aforesaid.

Rules, &c. purporting to be sealed with such Seal to be received as Evidence.

Commissioners to record their Proceedings.

IV. And be it further enacted, That the said Commissioners shall make a Record of their Proceedings, in which shall be entered in Writing a Reference to every Letter received, from whence, its Date, the Date of its Reception, and the Subject to which it relates, and a Minute of every Letter written or Order given by the said Commissioners, whether in answer to such Letters received or otherwise, with the Date of the same, and a Minute of the Opinion of each of the Members of the Board of Commissioners, in case they should finally differ in Opinion upon any Order to be given or other Proceeding of the Board; and such Record shall be submitted to One of His Majesty's Principal Secretaries of State once in every Year, or as often as he shall require the same.

Commissioners to make a general Report to the Secretary of State yearly;

V. And be it further enacted, That the said Commissioners shall, once in every Year, submit to One of the Principal Secretaries of State a general Report of their Proceedings; and every such general Report shall be laid before both Houses of Parliament within Six Weeks after the Receipt of the same by such Principal Secretary of State, if Parliament be then sitting, or if Parliament be not sitting then within Six Weeks after the next Meeting thereof.

and to report Proceedings to Secretary

VI. And be it further enacted, That the said Commissioners shall from Time to Time, at such Times as any One of His Majesty's Principal

Principal Secretaries of State shall direct, give to the Principal Secretary of State requiring the same such Information respecting their Proceedings, or any Part thereof, as the said Principal Secretary of State shall require. of State when required.

VII. And be it further enacted, That the said Commissioners shall and they are hereby empowered from Time to Time to appoint such Persons as they may think fit to be Assistant Commissioners for carrying this Act into execution, at such Places and in such Manner as the said Commissioners may direct, and to remove such Assistant Commissioners, or any of them, at their Discretion, and on every or any Vacancy in the said Office of Assistant Commissioner, by Removal or by Death or otherwise, to appoint, if they see fit, some other Person to the said Office: Provided always, that it shall not be lawful for the said Commissioners to appoint more than Nine such Assistant Commissioners to act at any one Time, unless the Lord High Treasurer, or the Commissioners of His Majesty's Treasury for the Time being, or any Three or more of them, shall consent to the Appointment of a greater Number. Power to appoint Assistant Commissioners; and to remove same. Not more than Nine to be appointed, without Consent of Treasury.

VIII. And be it further enacted, That no Commissioner or Assistant Commissioner appointed as aforesaid shall during his Continuance in such Appointment be capable of being elected or sitting as a Member of the House of Commons. Commissioners not to sit in Parliament.

IX. And be it further enacted, That the said Commissioners may and they are hereby empowered from Time to Time to appoint a Secretary, Assistant Secretary or Secretaries, and all such Clerks, Messengers, and Officers as they shall deem necessary, and from Time to Time, at the Discretion of the said Commissioners, to remove such Secretary, Assistant Secretary or Secretaries, Clerks, Messengers, and Officers, or any of them, and to appoint others in their Stead: Provided always, that the Amount of the Salaries of such Secretary, Assistant Secretary or Secretaries, Clerks, Messengers, and Officers shall from Time to Time be regulated by the Lord High Treasurer, or the Commissioners of His Majesty's Treasury, or any Three or more of them. Commissioners to appoint Secretary, Assistant Secretary or Secretaries, Clerks, and other Officers.

X. And be it further enacted, That no Commissioner to be appointed by His Majesty, nor any Assistant Commissioner, Secretary, or other Officer or Person to be appointed by the said Commissioners, under and by virtue of the Provisions of this Act, shall continue to hold his respective Office or exercise any of the Powers given by this Act for a longer Period than Five Years next after the Day of the passing of this Act, and thenceforth until the End of the then next Session of Parliament; and from and after the Expiration of the said Period of Five Years, and of the then next Session of Parliament, so much of this Act as enables His Majesty to appoint any Commissioner or Commissioners shall cease to operate or have any Effect whatever. Appointment of Commissioners, &c. limited to Five Years.

XI. And be it further enacted, That every Commissioner and Assistant Commissioner to be appointed from Time to Time as aforesaid shall, before he shall enter upon the Execution of his Office, take Commissioners and Assistant Commissioners to take Oath.

take the following Oath before One of the Judges of His Majesty's Courts of King's Bench or Common Pleas, or One of the Barons of the Court of Exchequer; (that is to say,)

Form of Oath.

'I *A. B.* do swear, That I will faithfully, impartially, and honestly, according to the best of my Skill and Judgment, execute and fulfil all the Powers and Duties of a Commissioner [*or* Assistant Commissioner, *as the Case may be*,] under an Act passed in the Fifth Year of the Reign of King *William* the Fourth, intituled. [*here set forth the Title of this Act*].'

Notification of Appointment of Commissioners to be sent to Clerks of the Peace, and published.

And the Appointment of every such Commissioner and Assistant Commissioner, together with the Time when and the Judge or Baron before whom he shall have taken the Oath aforesaid, shall be forthwith published in the *London Gazette*; and a Notification of such Appointment and of the taking of such Oath shall from Time to Time be sent, under the Hands and Seal of the said Commissioners, to the Clerk of the Peace of every County in *England* and *Wales*, who shall and is hereby required as soon as conveniently may be to cause the same to be advertized once in some Newspaper published or circulated in such County; and such Notification as aforesaid shall be kept and preserved by such Clerk of the Peace with the Records of such County.

Commissioners may delegate Powers to Assistant Commissioners, and revoke them.

XII. And be it further enacted, That it shall be lawful for the said Commissioners to delegate to their Assistant Commissioners, or to any of them, such of the Powers and Authorities hereby given to the said Commissioners (except the Powers to make General Rules) as the said Commissioners shall think fit; and the Powers and Authorities so delegated, and the Delegation thereof, shall be notified in such Manner, and such Powers and Authorities shall be exercised at such Places, for such Periods, and under such Circumstances, and subject to such Regulations as the said Commissioners shall direct; and the said Commissioners may at any Time revoke, recall, alter, or vary all or any of the Powers and Authorities which shall be so delegated as aforesaid, and, notwithstanding the Delegation thereof, may act as if no such Delegation had been made; and the said Assistant Commissioners may and are hereby empowered to summon before them such Persons as they may think necessary for the Purpose of being examined upon Oath (which Oath such Assistant Commissioners are hereby empowered to administer) upon any Question or Matter relating to the Poor or their Relief, or for the Purpose of producing and verifying upon Oath any Books, Contracts, Agreements, Accounts, and Writings, or Copies of the same, in anywise relating to such Question or Matter, and not relating to or involving any Question of Title to any Lands, Tenements, or Hereditaments not being the Property of any Parish or Union, as such Assistant Commissioners may think fit, but so that no such Person shall be required, in obedience to any such Summons, to go or travel more than Ten Miles from the Place of his Abode; provided nevertheless, that in lieu of requiring such Oath as aforesaid the said Assistant Commissioners may, if they think fit, require such Person to make and subscribe a Declaration of the Truth of the Matters respecting which he shall have been or shall be so examined; and all Sum-

Assistant Commissioners may summon Persons and examine them upon Oath; or a Declaration may be substituted for an Oath.

monses and Orders made by any such Assistant Commissioner in pursuance or exercise of such delegated Powers and Authorities shall be obeyed, performed, and carried into effect by all Persons as if such Summons or Order had been the Summons or Order of the said Commissioners, and the Breach, Nonobservance, or Nonperformance thereof shall be punishable in like Manner.

Persons giving false Evidence guilty of Perjury;

refusing to attend, &c. guilty of Misdemeanor.

XIII. And be it further enacted, That if any Person, upon any Examination under the Authority of this Act, shall wilfully and corruptly give false Evidence, he shall be deemed guilty of Perjury, and if any Person shall make or subscribe a false Declaration, he shall, on being convicted thereof, suffer the Pains and Penalties of Perjury, and if any Person shall wilfully refuse to attend in obedience to any Summons of any Commissioner or Assistant Commissioner, or to give Evidence, or shall wilfully alter, suppress, conceal, destroy, or refuse to produce any Books, Contracts, Agreements, Accounts, and Writings, or Copies of the same, which may be so required to be produced before the said Commissioners or Assistant Commissioners, every Person so offending shall be deemed guilty of a Misdemeanor.

Reasonable Expences of Witnesses to be paid, and by whom.

XIV. And be it further enacted, That it shall be lawful for the said Commissioners, in any Case where they see fit, to order and allow such Expences of Witnesses, and of or attending the Production of any Books, Contracts, Agreements, Accounts, or Writings, or Copies thereof, to or before the said Commissioners or Assistant Commissioners, as such Commissioners may deem reasonable, to be paid as follows; that is to say, out of the Poor Rates of the respective Parish or Union which in the Opinion of the said Commissioners shall be interested or concerned in such Attendance or Production respectively in all Cases in which such Witnesses shall not go or travel more than Ten Miles from the respective Parish or Union which shall be interested or concerned as aforesaid, and in all other Cases the Expences so ordered or allowed shall be deemed as Part of the incidental Expences attending the Execution of this Act, and be paid accordingly.

Administration of Relief to the Poor to be under Control of the Commissioners; who are to make Rules and Regulations for the Management of the Poor, and Administration of the Laws for their Relief, &c.

XV. And be it further enacted, That from and after the passing of this Act the Administration of Relief to the Poor throughout *England* and *Wales*, according to the existing Laws, or such Laws as shall be in force at the Time being, shall be subject to the Direction and Control of the said Commissioners; and for executing the Powers given to them by this Act the said Commissioners shall and are hereby authorized and required, from Time to Time as they shall see Occasion, to make and issue all such Rules, Orders, and Regulations for the Management of the Poor, for the Government of Workhouses and the Education of the Children therein, and for the Management of Parish poor Children under the Provisions of an Act made and passed in the Seventh Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for the better Regulation of Parish poor Children of the several Parishes therein mentioned within the Bills of Mortality*, and the superintending, inspecting, and regulating of the Houses wherein such poor Children are kept and maintained, and for the apprenticing the Children of poor Persons, and for the Guidance

and Control of all Guardians, Vestries, and Parish Officers, so far as relates to the Management or Relief of the Poor, and the keeping, examining, auditing, and allowing of Accounts, and making and entering into Contracts in all Matters relating to such Management or Relief, or to any Expenditure for the Relief of the Poor, and for carrying this Act into execution in all other respects, as they shall think proper; and the said Commissioners may, at their Discretion, from Time to Time suspend, alter, or rescind such Rules, Orders, and Regulations, or any of them: Provided always, that nothing in this Act contained shall be construed as enabling the said Commissioners or any of them to interfere in any individual Case for the Purpose of ordering Relief.

Commissioners may suspend or alter Rules, &c.

General Rules to be submitted to Secretary of State 40 Days before coming into operation.

If disallowed by King in Council during the 40 Days, not to come into operation.

If disallowed afterwards.

XVI. And be it further enacted, That no General Rule of the said Commissioners shall operate or take effect until the Expiration of Forty Days after the same, or a Copy thereof, shall have been sent, signed and sealed by the said Commissioners, to One of His Majesty's Principal Secretaries of State; and if at any Time after any such General Rule shall have been so sent to such Principal Secretary of State His Majesty, with the Advice of His Privy Council, shall disallow the same or any Part thereof, such General Rule, or the Part thereof so disallowed, shall not come into operation, if such Disallowance be notified to the said Commissioners at any Time during the said Period of Forty Days, but if such Disallowance be made at any Time after that Period, such Disallowance shall, by One of His Majesty's Principal Secretaries of State, be notified to the said Commissioners, and from and after such Disallowance shall have been so notified then such General Rule, so far as the same shall have been so disallowed, shall cease to operate, subject however and without Prejudice to all Acts and Transactions under or in virtue of the same previously to such Disallowance having been so notified.

General Rules to be laid before Parliament.

XVII. And be it further enacted, That all General Rules for the Time being in force at the Commencement of every Session of Parliament, and which shall not previously have been submitted to Parliament, shall from Time to Time, within One Week after the Commencement of every such Session, be laid by One of His Majesty's Principal Secretaries of State before both Houses of Parliament.

Rules, Orders, &c. to be sent to Overseers, &c. before they shall come into operation.

Publicity to be given to Rules, &c. in manner directed by Commissioners.

XVIII. And be it further enacted, That a written or printed Copy of every Rule, Order, or Regulation of the said Commissioners shall, before the same shall come into operation in any Parish or Union, be sent by the said Commissioners, by the Post, or in such Manner as the Commissioners shall think fit, sealed or stamped with their Seal, addressed to the Overseers of such Parish, the Guardians of such Union or their Clerk, and to the Clerk to the Justices of the Petty Sessions held for the Division in which such Parish or Union shall be situate; and such Overseers, Guardians, or their Clerk, and Clerks to the Justices aforesaid, are hereby required to keep and preserve, notify and give Publicity to, such Rules, Orders, and Regulations, in such Manner as the said Commissioners shall direct, and also to allow every Owner of Property or his Agent, or any Rate-payer, in every such Parish or Union, to inspect the same at all reasonable Times, free of any

Charge for such Inspection, and to furnish Copies of the same, being paid for such Copies at and after the Rate of Three-pence for every Folio of Seventy-two Words, and to allow Copies or Extracts thereof to be taken on being paid for so doing after the Rate of Three Halfpence for every Folio of Seventy-two Words; and in case any such Overseer, Guardian, Clerk, or Clerk to the Justices, to whom such Rules, Orders, or Regulations, or Copies thereof, shall be sent as aforesaid, shall neglect to keep and preserve, notify and give Publicity to the same in the Mode prescribed or directed by the said Commissioners, or shall refuse such Inspection, or to furnish or allow such Copies thereof to be taken as aforesaid, every Person so offending shall for every such Offence be subject and liable to a Penalty not exceeding the Sum of Ten Pounds nor less than Forty Shillings, to be recoverable in the same Manner as any Penalties are by this Act directed to be recovered: Provided also, that if any such Rule shall after the same shall have come into operation be disallowed in manner herein-before mentioned, or revoked by the said Commissioners, then and in every such Case the said Commissioners shall send, by the Post, or in such Manner as they shall think fit, to every Parish or Union affected by the said Rule, Notice of such Disallowance or Revocation; such Notice of Disallowance or Revocation to be addressed, kept, preserved, notified, and publicly inspected, and Copies thereof furnished or allowed to be taken, in such and the same Manner and subject to the same Penalties as are herein-before mentioned respecting the Rules, Orders, and Regulations of the said Commissioners.

Penalty on Overseer, &c. neglecting to give Publicity, &c.

Disallowance of Rule to be notified in like Manner.

XIX. And be it further enacted, That no Rules, Orders, or Regulations of the said Commissioners, nor any Bye Laws at present in force or to be hereafter made, shall oblige any Inmate of any Workhouse to attend any Religious Service which may be celebrated in a Mode contrary to the Religious Principles of such Inmate, nor shall authorize the Education of any Child in such Workhouse in any Religious Creed other than that professed by the Parents or surviving Parent of such Child, and to which such Parents or Parent shall object, or, in the Case of an Orphan, to which the Godfather or Godmother of such Orphan shall so object: Provided also, that it shall and may be lawful for any licensed Minister of the Religious Persuasion of any Inmate of such Workhouse, at all Times in the Day, on the Request of such Inmate, to visit such Workhouse for the Purpose of affording Religious Assistance to such Inmate, and also for the Purpose of instructing his Child or Children in the Principles of their Religion.

No Inmate of a Workhouse obliged to attend any Religious Service contrary to his Religious Principles, &c.

XX. And be it further enacted, That no Order or Regulation made by any Assistant Commissioner shall be in force unless and until the same shall have been adopted by the said Commissioners, and sealed or stamped with their Seal, and thereupon every such Order or Regulation shall be considered as made by the said Commissioners; and that no Rule, Order, or Regulation of the said Commissioners, except Orders made in answer to the Statements and Reports hereinafter authorized to be made by Overseers or Guardians to the said Commissioners, shall be in force until the Expiration of Fourteen Days after a written or printed Copy of the same shall have been sent

Orders or Regulations of Assistant Commissioners to be approved and sealed by Commissioners.

sent by the said Commissioners, sealed or stamped, and addressed as lastly herein-before is mentioned.

Powers of 22 G. 3. c. 83. 59 G. 3. c. 12. and of all other Acts relating to Workhouses, and to borrowing Money, to be exercised under Control of Commissioners, and be subject to their Orders.

XXI. And be it further enacted, That, except where otherwise provided by this Act, all the Powers and Authorities given in and by a certain Act of Parliament passed in the Twenty-second Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for the better Relief and Employment of the Poor*, and in and by a certain other Act passed in the Fifty-ninth Year of the Reign of His said late Majesty, intituled *An Act to amend the Laws for the Relief of the Poor*, and all Acts for amending such Acts respectively, and also all the Powers and Authorities given by every other Act of Parliament, general as well as local, for or relating to the building, altering, or enlarging of Poorhouses and Workhouses, and to the acquiring, purchasing, hiring, holding, selling, exchanging, and disposing thereof, or of Land whereon the same may have been or may hereafter be erected, and of preparing such Houses for the Reception of poor Persons, and the dieting, clothing, employing, and governing of such Poor, and the raising or borrowing of Money for any of the Purposes aforesaid, and for repaying the same, and all Powers of regulating and conducting all other Workhouses whatsoever, and of governing, providing for, and employing the Poor therein, and all Powers auxiliary to any of the Powers aforesaid, or in any way relating to the Relief of the Poor, shall in future be exercised by the Persons authorized by Law to exercise the same, under the Control, and subject to the Rules, Orders, and Regulations of the said Commissioners; and the said Commissioners and Assistant Commissioners respectively, and every of them, shall be entitled to attend at every parochial and other local Board and Vestry, and take part in the Discussions, but not to vote at such Board or Vestry: Provided always, that nothing herein contained shall be construed to give the said Commissioners or Assistant Commissioners any Power to order the building, purchasing, hiring, altering, or enlarging of any Workhouse, or the purchasing or hiring of any Land at the Charge or for the Use of any Parish or Union, save and except so far as such Powers are expressly given by this Act.

Commissioners, &c. to be entitled to attend local Boards and Vestry; but not to order the building or hiring of Workhouses, except under Limitations.

No Additions or Alterations to be made to the Rules contained in the Schedule to 22 G. 3. c. 83. or in any other Act until confirmed by Commissioners.

XXII. And whereas by the said Act made and passed in the Twenty-second Year of the Reign of His late Majesty King *George* the Third it is (among other Things) enacted, that the Rules, Orders, and Regulations specified and contained in the Schedule thereunto annexed should be duly observed and enforced at every Poorhouse or Workhouse to be provided by virtue of the said Act, with such Additions as should be made by the Justices of the Peace of the Limit wherein such House or Houses should be situate, at some Special Session, provided that such Additions should not be contradictory to the Rules, Orders, and Regulations established by that Act, and provided that the same should not be repealed by the Justices at their Quarter Sessions of the Peace; and it is expedient that such Additions, or other Rules, Orders, or Regulations, under that or any local or other Act, should not in future be made without the Sanction of the said Commissioners; be it therefore enacted, That no Additions or Alterations shall hereafter be made to or in the Rules, Orders, and Regulations contained in the Schedule

Schedule to the said recited Act, and no Rules, Orders, and Regulations shall hereafter be made under the Authority of the said recited Act, or of any Act made for altering, amending, or extending the same, or any local or other Act, relating to Poorhouses, Workhouses, or the Relief of the Poor, until the same shall have been submitted to and approved and confirmed by the said Commissioners; and that the same, when so confirmed, shall be legally valid and binding upon all Persons; and no Justice or Justices shall have Power to repeal the same.

Commissioners empowered to order Workhouses to be built, hired, altered, or enlarged, with Consent, &c.

XXIII. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby empowered, from Time to Time when they may see fit, by any Writing under their Hands and Seal, by and with the Consent in Writing of a Majority of the Guardians of any Union, or with the Consent of a Majority of the Rate-payers and Owners of Property entitled to vote in manner herein-after prescribed, in any Parish, such last-mentioned Majority to be ascertained in manner provided in and by this Act, to order and direct the Overseers or Guardians of any Parish or Union not having a Workhouse or Workhouses to build a Workhouse or Workhouses, and to purchase or hire Land for the Purpose of building the same thereon, or to purchase or hire a Workhouse or Workhouses, or any Building or Buildings for the Purpose of being used as or converted into a Workhouse or Workhouses; and, with the like Consent, to order and direct the Overseers or Guardians of any Parish or Union having a Workhouse or Workhouses, or any Buildings capable of being converted into a Workhouse or Workhouses, to enlarge or alter the same in such Manner as the said Commissioners shall deem most proper for carrying the Provisions of this Act into execution, or to build, hire, or purchase any additional Workhouse or Workhouses, or any Building or Buildings for the Purpose of being used as or converted into a Workhouse or Workhouses, or to purchase or hire any Land for building such additional Workhouse or Workhouses thereon, of such Size and Description, and according to such Plan, and in such Manner as the said Commissioners shall deem most proper for carrying the Provisions of this Act into execution; and the Overseers and Guardians to whom any such Order shall be directed are hereby authorized and required to assess, raise, and levy such Sum or Sums of Money as may be necessary for the Purposes specified in such Order, by such Powers, Ways, and Means as are now by Law given to or vested in Churchwardens and Overseers or Guardians of the Poor for purchasing or hiring Land, or for building, hiring, and maintaining Workhouses for the Use of the Poor, in their respective Parishes or Unions, or to borrow Money for such Purposes under the Provisions of this or any other Act or Acts.

Sums to be raised for Purposes of building Workhouses to be charged on Poor Rates; not to exceed One Year's

XXIV. And be it further enacted, That for the better and more effectually securing the Repayment of any Sum or Sums of Money which may be borrowed for the Purposes aforesaid, with Interest, it shall be lawful for the said Overseers or Guardians to charge the future Poor Rates of such Parish or Union with the Amount of such Sum or Sums of Money: Provided always, that the Principal Sum or Sums to be raised for such Purposes, whether raised within the Year or borrowed, shall in no Case exceed the average annual Amount of

Amount of Poor Rates.

the Rates raised for the Relief of the Poor in such Parish or Union for Three Years ending at the *Easter* next preceding the raising of such Money; and that any Loan or Money borrowed for any of the Purposes aforesaid shall be repaid by annual Instalments of not less than One Tenth of the Sum borrowed, with Interest on the same, in any One Year.

Power to order Workhouses to be altered or enlarged, without Consent, &c.

XXV. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby empowered, without requiring any such Consent as aforesaid, by any Writing under the Hands and Seal of the said Commissioners, to order and direct the Overseers or Guardians of any Parish or Union having a Workhouse or Workhouses, or any Building capable of being converted into a Workhouse or Workhouses, to enlarge or alter the same, according to such Plan and in such Manner as the said Commissioners shall deem most proper for carrying the Provisions of this Act into execution; and the Overseers or Guardians to whom any such Order shall be directed are hereby authorized and required to assess, raise, and levy such Sum or Sums of Money as may be necessary for the Purposes specified in such Order, by such Powers, Ways, and Means as are now by Law given to or vested in Churchwardens and Overseers or Guardians of the Poor for altering, enlarging, and maintaining Workhouses for the Use of the Poor in their respective Parishes or Unions: Provided always, that the Principal Sum or Sums to be raised for such Purposes, and charged upon any Parish, shall not exceed in the whole the Sum of Fifty Pounds, nor in any such Case exceed One Tenth of the average annual Amount of the Rates raised for the Relief of the Poor in such Parish for the Three Years ending at the *Easter* next preceding the raising of such Money.

Sums to be raised for such Purposes not to exceed One Tenth of One Year's Rates, or 50*l*.

Parishes may be united by Commissioners.

XXVI. And be it further enacted, That it shall be lawful for the said Commissioners, by Order under their Hands and Seal, to declare so many Parishes as they may think fit to be united for the Administration of the Laws for the Relief of the Poor, and such Parishes shall thereupon be deemed a Union for such Purpose, and thereupon the Workhouse or Workhouses of such Parishes shall be for their common Use; and the said Commissioners may issue such Rules, Orders, and Regulations as they shall deem expedient for the Classification of such of the Poor of such united Parishes in such Workhouse or Workhouses as may be relieved in any such Workhouse, and such Poor may be received, maintained, and employed in any such Workhouse or Workhouses as if the same belonged exclusively to the Parish to which such Poor shall be chargeable; but, notwithstanding such Union and Classification, each of the said Parishes shall be separately chargeable with and liable to defray the Expence of its own Poor, whether relieved in or out of any such Workhouse.

Each Parish chargeable for its own Poor.

Justices may order out-door Relief to aged and infirm Persons wholly unable to work.

XXVII. And be it further enacted, That in any Union which may be formed under this Act it shall be lawful for any Two of His Majesty's Justices of the Peace usually acting for the District wherein such Union may be situated, at their just and proper Discretion, to direct by Order under their Hands and Seals, that Relief shall be given to any adult Person who shall from Old Age or Infirmity of Body

Body be wholly unable to work, without requiring that such Person shall reside in any Workhouse: Provided always, that One of such Justices shall certify in such Order of his own Knowledge, that such Person is wholly unable to work, as aforesaid; and provided further, that such Person shall be lawfully entitled to relief in such Union, and shall desire to receive the same out of a Workhouse.

When a Union of Parishes shall be proposed, Commissioners to inquire the Expence of Poor belonging to each Parish for Three Years preceding.

XXVIII. And be it further enacted, That when any Union of Parishes for the Administration of the Laws for the Relief of the Poor shall be proposed to be made or shall be made under the Provisions of this Act, it shall be lawful for the said Commissioners, and they are hereby required, from Time to Time, by such Means and in such Manner as they may think fit, to inquire into and ascertain the Expence incurred by each Parish proposed to form Part of such Union for the Relief of the Poor belonging to such Parish, whether such Relief shall have been given in or out of any Workhouse, for the Three Years ending on the Twenty-fifth Day of *March* next preceding such Inquiry, and thereupon the said Commissioners shall proceed to calculate and ascertain the annual average Expence of each Parish for that Period; and the several Parishes included or proposed to be included in such Union shall from the Time of effecting the same contribute and be assessed to a common Fund for purchasing, building, hiring, or providing, altering or enlarging any Workhouse or other Place for the Reception and Relief of the Poor of such Parishes, or for the Purchase or renting of any Lands or Tenements, under and by virtue of the Provisions of this Act, of or for such Union, and for the future upholding and maintaining of such Workhouses or Places aforesaid, and the Payment or Allowance of the Officers of such Union, and the providing of Utensils and Materials for setting the Poor on work therein, and for any other Expence to be incurred for the common Use or Benefit or on the common Account of such Parishes, in the like Proportions as on the said annual Average of the said Three Years such Relief had cost each such Parish separately, until such Average shall be varied or altered as herein-after provided: Provided always, and the said Commissioners are hereby authorized, if they shall so think fit, but not otherwise, from Time to Time, either upon the Application of the Guardians of such Union or of the Overseers of any Parish forming Part of the same, or without such Application, to cause a like Inquiry and Calculation to be made and Average ascertained for the Three Years ending on the Twenty-fifth Day of *March* next preceding such Inquiry; and from and after the ascertaining of any such Average, or of any succeeding Average, the respective Parishes of such Union shall contribute and be assessed to the common Fund thereof, for the Purposes aforesaid, in the Proportions which the Expence of such Parishes shall be found to have borne to each other during such Period upon the Average which shall have been so last ascertained, until a like Inquiry shall be again made, and a new Average and Proportion ascertained for the future Assessment of such Parishes.

Power for taking future Averages.

The like Provision in Unions effected under Local Acts of

XXIX. And whereas in divers Unions formed under the said recited Act made and passed in the Twenty-second Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for the better*

Incorporation. 22 G.3. c.83.

better Relief and Employment of the Poor, or under Local Acts of Incorporation, the whole of the Expence, as well of upholding the united Workhouses therein as of maintaining and relieving the Poor of the respective Parishes of such Unions, is assessed upon such Parishes in the respective Proportions fixed at the Period when such Unions were formed, and in others a Part of such Expences is so levied, and a Part subjected to Variations at stated Periods: And whereas some of the Parishes of such Unions have contributed and still continue to contribute, as their fixed Proportion of the general Fund, a Sum much larger and others a Sum much less than the actual Expence incurred for the Relief of the Poor belonging to them respectively; for Remedy thereof be it enacted, That it shall be lawful for the said Commissioners, as soon as conveniently may be after the passing of this Act, to cause an Inquiry to be made and an Account rendered, as far as it may be practicable to render the same, by the Visitors, Directors, Acting Guardians, or other Officers of such Parishes or Unions respectively, of the Expence incurred for the Relief of the Poor belonging to each Parish within any such Union, whether such Poor shall have been relieved in or out of such Parish respectively, or in or out of any united Workhouse, and whether such Expence has been paid by the general Fund of such Union or the parochial Funds of any of the Parishes thereof, or by any private Rate, or general Subscription in lieu of a Rate among the Rate-payers of any such Parish, and whether passed through the Books or paid under the Control of the Managers or Officers of such Union, or not, for the Period of Three Years ending on the Twenty-fifth Day of *March* One thousand eight hundred and thirty-four, including therein a due Proportion of the Expence of maintaining the united Workhouses and Establishment of such Union, calculated according to the actual Expence otherwise incurred for the Relief of the Poor belonging to each such Parish; and the average annual Amount of such Expence shall be deemed and taken to have been the annual Expence incurred by such Parish on account of its Poor, notwithstanding such Parish may have contributed a greater or smaller Sum than such annual Average to the general Funds of the Union during such Period; and such annual Average, so ascertained as aforesaid, shall, if the said Commissioners shall see fit, and to such Extent only as they may direct, be deemed and taken as the fixed Proportion to be contributed and paid by each such Parish respectively towards a common Fund for the future hiring, maintaining, and upholding, repairing, altering, or enlarging of any Workhouse, and the renting of any Land used by such Union at the passing of this Act, and for the purchasing, building, hiring, maintaining, upholding, repairing, altering, or enlarging of any new Workhouse or Workhouses, or other Place for the Reception and Relief of the Poor belonging to the Parishes of such Union, and for the renting or Purchase of any Lands or Tenements under or by virtue of the Provisions of this Act, and the Payment or Allowance of any Officers of such Union, and the providing of Utensils or Materials for setting the Poor on work therein, and for any other Expence to be in future incurred for the common Use or Benefit of such Parishes, and in addition to the Cost or Proportion of Cost of the Poor of such Parishes who shall be maintained or relieved in or out of any Workhouse of such Union, for which each such Parish shall in future be

charged separately; any Provision or Enactment in the said recited Act or in any such Local Acts to the contrary notwithstanding: Provided always, and the said Commissioners are hereby authorized, if they see fit, but not otherwise, upon the Application of the Guardians of any such last-mentioned Union, or of the Overseers of any Parish forming Part of the same, or without such Application, from Time to Time to cause an Inquiry and Calculation to be made, and Average ascertained, for the Three Years ending on the Twenty-fifth Day of *March* next preceding such Inquiry, of the Expence incurred by each such Parish, as well in respect of its Contribution to such common Fund as of the Cost or Proportion of Cost of its Poor which shall have been maintained or relieved in or out of any Workhouse of such Union during such Period of Three Years; and from and after the ascertaining of such Average or of any succeeding Average the respective Parishes of such Union shall contribute and be assessed to the common Fund thereof, for the Purposes of which such common Fund is herein-before declared to be applicable, in the Proportions which the Expence of such Parishes shall be found to have borne to each other during such Period, upon the Average which shall have been so last ascertained, until a like Inquiry shall be again made, and a new Average and Proportion ascertained for the future Assessment of such Parishes to such common Fund: Provided always, that nothing herein contained shall extend to any Parishes already formed or hereafter to be formed into a Union for the Purposes of Settlement or rating, or where the annual Assessment is directed to be indifferently proportioned between the several Parishes composing such Union.

Power for taking future Averages.

XXX. And for facilitating the Inquiries directed by this Act, be it enacted, That unless and until they shall be proved to the Satisfaction of the said Commissioners to be incorrect, the Returns made to Parliament of the Sums expended for the Relief of the Poor of any Parish for the last Three Years previous to the passing of this Act shall be deemed to be the actual Expence incurred by each such Parish respectively during that Period for the Purposes aforesaid, and on account of the Poor belonging to such Parish respectively, and shall be taken as the Ground on which such Averages shall be calculated and ascertained.

Parliamentary Returns to be Evidence of actual Expence of Poor to each Parish.

XXXI. And be it further enacted, That from and after the passing of this Act so much of the said recited Act made and passed in the Twenty-second Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for the better Relief and Employment of the Poor*, as provides that no Parish, Township, Hamlet, or Place which shall be situate more than Ten Miles from any Poorhouse or Workhouse to be provided under the Authority of that Act shall be permitted to be united for the Purposes therein mentioned with the Parishes, Townships, Hamlets, and Places which shall establish such Poorhouse or Workhouse as therein mentioned, and as limits the Class or Description of Persons who shall be sent to such Poorhouse or Workhouse; and so much of a certain Act made and passed in the Fifty-sixth Year of the Reign of His said late Majesty King *George* the Third, intituled *An Act to repeal certain Provisions in Local Acts for the Maintenance and Management of the Poor*, as

Repeal of 22 G. 3. c. 83. s. 5., and 56 G. 3. c. 129. Part of s. 1. restraining Parishes from contributing to Workhouse at a greater Distance than 10 Miles; and of 22 G. 3. c. 83. s. 29. limiting Class of Persons to be sent to Workhouses.

repeals all Enactments and Provisions contained in any Act or Acts of Parliament since the Commencement of the Reign of His late Majesty King *George* the First, whereby any Parish, Township, or Hamlet at a greater Distance than Ten Miles from any House of Industry or Workhouse shall thereafter be empowered or authorized to become Contributors to or to take the Benefit of such House of Industry or Workhouse; shall be and the same is hereby repealed.

Power to dissolve, add to, or take from any Union;

XXXII. And be it further enacted, That it shall be lawful for the said Commissioners, from Time to Time, as they may see fit, by Order under their Hands and Seal, to declare any Union, whether formed before or after the passing of this Act, (except when united for the Purposes of Settlement or rating,) to be dissolved, or any Parish or Parishes, specifying the same, to be separated from or added to any such Union, and, as the Case may be, such Union shall thereupon be dissolved, or such Parish or Parishes shall thereupon be separated from or added to such Union accordingly; and the said Commissioners shall in every such Case frame and make such Rules, Orders, and Regulations as they may think fit for adapting the Constitution, Management, and Board of Guardians of every such Union, from or to which there shall be such Separation or Addition as aforesaid, to the altered State of the same, and every such Union shall after any such Alteration be constituted, managed, and governed as if the same had been originally formed in such altered State; and in case any Union shall be wholly or partially dissolved as aforesaid, then the Parishes constituting, or, in case of a partial Dissolution, separated from any such Union, shall thenceforth be subject to be re-united, or united with other Parishes or Unions, or otherwise dealt with according to the Provisions of this Act as the said Commissioners shall think fit: Provided always, that in every such Case the said Commissioners shall and they are hereby required to ascertain the proportionate Value to every Parish of such Union of the Workhouses or other Property held or enjoyed by such Union for the Use of the Poor or Benefit of the Rate-payers therein, and also the proportionate Amount chargeable on every Parish in respect of all the Liabilities of such Union existing at the Time of such Dissolution or Alteration of the same, and the said Commissioners shall thereupon fix the Amount to be received, or paid or secured to be paid, by every Parish affected by such Alteration; and the Sum to be received, if any, by such Parish, shall be paid, or, as the said Commissioners shall direct, be secured to be paid, to the Overseers or Guardians of the same, for the Benefit of such Parish, and in diminution of the Rates thereof and of the Expence attending such Alteration; and the Sum to be so paid or secured to be paid by every such Parish shall be raised, under the Direction of the said Commissioners, by the Overseers or Guardians of such Parish, or charged on the Poor Rates of such Parish, as the said Commissioners may see fit, and shall be paid or secured for the Use and Benefit of the Union from which the same Parish shall have been so separated, or of the Persons or Parishes otherwise entitled thereto, as the Case may be: Provided always, that no such Dissolution or Alteration of the Parishes constituting any such Union, nor any Addition thereto as aforesaid, shall in any Manner prejudice, vary, or affect the Rights or Interests of Third Persons, unless such

and thereupon to make such Rules as may be adapted to its altered State.

Rights and Interests of Parishes, and Claims on them, to be ascertained and secured.

Dissolution or Alteration not to affect Rights of Third Parties,

Third Persons, by themselves or their Agents, shall consent in Writing to such Dissolution or proposed Alteration or Addition; and that no such Dissolution, Alteration, or Addition shall take place or be made unless a Majority of not less than Two Thirds of the Guardians of such Union shall also concur therein; and in every such Case, when the said Majority of the Guardians of such Union shall so concur in such proposed Alteration, the Terms on which such Concurrence shall have been given, if approved by the said Commissioners, shall be binding and conclusive on the several Parishes of such Union.

nor take place without the Consent of Guardians of Parish.

XXXIII. And be it further enacted, That in any Union already formed or which may hereafter be formed in pursuance of or under the Provisions of this Act it shall and may be lawful for the Guardians elected by the Parishes forming such Union, by any Writing under the Hands of all such Guardians, to agree, subject to the Approbation of the said Commissioners, for or on behalf of the respective Parishes forming such Union, that for the Purposes of Settlement such Parishes shall be considered as One Parish; and in such Case such Agreement, having been first signed by the said Guardians, shall be signed and sealed by the said Commissioners, and One Part thereof shall be deposited with the said Commissioners, and a Counterpart or Counterparts thereof, signed by the said Guardians, and signed and sealed by the said Commissioners, deposited with the Clerk of the Peace of the County, Riding, Division, District, or Liberty in which the Parishes of such Union shall be respectively situate; and the said Clerk of the Peace shall and is hereby required, upon the Receipt of such Agreement, or Counterpart or Counterparts thereof, to file the same with the Records of such County, Riding, Division, District, or Liberty; and from and after the depositing of the same as aforesaid the said Agreement shall for ever thereafter be binding on each of such Parishes, and shall not be revoked or annulled; and the Settlement of a poor Person in any one of the Parishes of such Union shall be considered, as between such Parishes, a Settlement in such Union, and the Expence of maintaining, supporting, and relieving every such poor Person, and all other Expences of maintaining, supporting, and relieving the Poor to which any one of such Parishes shall be liable after the depositing of such Agreement, Part or Counterpart as aforesaid, or of ascertaining, litigating, or adjudging the Settlement of any poor Person in any of such Parishes, shall form Part of the general Expences and be paid out of the common Funds of such Union: Provided always, that wherever such Agreement is entered into as aforesaid the Rate or Proportion of Contribution to such common Funds to be thereafter paid by each of the Parishes of such Union shall be ascertained and fixed in like Manner as in and by this Act is provided for in Cases where any Union of Parishes is made or proposed to be made under the Provisions thereof, and shall not be subject to further Variation.

United Parishes may be One Parish for Purposes of Settlement.

XXXIV. And be it further enacted, That where the Parishes of any Union shall be situate within the same County, Riding, Division, District, or Liberty, under the Jurisdiction of the same Justices of the Peace, it shall and may be lawful for the Guardians elected by the Parishes forming such Union, by any Writing under the Hands of all

Union may be One Parish for Purpose of rating, with Consent of Guardians.

all such Guardians, to agree, with the Approbation of the said Commissioners, for or on behalf of the respective Parishes for which they shall so act as Guardians, that, for the Purposes of raising in common the necessary Funds for the Relief of the Poor of such Union, such Parishes shall be considered One Parish; and in such Case such Agreement, having been first signed by the said Guardians, shall be signed and sealed by the said Commissioners, and One Part thereof deposited with the said Commissioners, and a Counterpart or Counterparts thereof, signed by the said Guardians, and signed and sealed by the said Commissioners, deposited with the Clerk of the Peace of the County, Riding, Division, District, or Liberty, Counties, District or Districts, in which the said Parishes of such Union shall be situate; and the said Clerk or Clerks of the Peace shall and is and are hereby required, upon the Receipt of such Agreement, Part or Counterpart, to file the same with the Records of such County, Riding, Division, District, or Liberty, or Counties, District or Districts, and from and after the depositing and filing of such last-mentioned Agreement or Counterpart the same shall be for ever binding upon such Parishes, and shall not be revoked or annulled.

Agreement or Counterpart for such rating to be deposited with Clerk of the Peace.

Guardians to ascertain and assess Value of Property.

XXXV. And be it further enacted, That from and after such depositing and filing of the said Agreement, Part or Counterpart, the said Guardians shall, under such Regulations as the said Commissioners shall in that respect prescribe, proceed to ascertain and assess the Value of the Property in the several Parishes of such Union rateable to the Relief of the Poor, and to cause to be made such Surveys and Valuations of the said Property, or any Part thereof, as may be necessary, from Time to Time, to make a fair and just Assessment upon the said united Parishes in respect of such Property so rateable as aforesaid; and all Rates grounded on every such Valuation or Assessment shall be made, allowed, published, and recovered in such and the same Manner as Rates for the Relief of the Poor are now by Law made, allowed, published, and recovered; and the Rate-payers shall have the like Power of Appeal against such last-mentioned Rates as any Persons now have against Rates made for the Relief of the Poor.

Rates grounded on such Assessment to be allowed as Poor Rates.

In such Cases all Expenditure for the Poor to be in common.

XXXVI. And be it further enacted, That from and after any such common Rate shall have come into operation the Proportions of Contribution fixed at the Period of uniting such Parishes, or existing at the Time of such last-mentioned Agreement for a common Rate, shall wholly cease; and all Expenditure in respect of the Poor of such Union, or chargeable in any way on the Poor Rates of the respective Parishes thereof, shall be deemed and be the common Expenditure of such Union, and be chargeable upon and paid out of the common or general Fund to be raised upon such Parishes under such common Rate, according to the Valuation or Assessment of the rateable Property in such Parishes so ascertained, confirmed, and allowed by the said Justices from Time to Time in manner herein-before provided: Provided always, that the Expence of every such Valuation shall at all Times be a Charge on the common Rate of such Parishes: Provided always, that in case any Parish of any Union, at the Period of entering into such Agreement for the Purposes of Settlement or a common Rate, shall not be represented by a Guardian elected solely by such Parish, such Parish shall not be bound by any such Agreement, unless a Majority

Expence of Valuation.

Proviso for Consent of Parishes not represented by Guardian.

Majority of the Owners of Property and Rate-payers in such Parish, entitled to vote in the Manner provided by this Act, shall, by their Votes in Writing, testify their Assent to such Agreement in such Form as the said Commissioners shall prescribe; and in case such Assent shall not be so given, such Parish shall be wholly omitted from such Agreement, and be liable to pay such Proportion only of the common Assessment as it was bound to pay upon the forming of the Union of such Parishes.

No Union to be so formed without Consent of Commissioners.

XXXVII. And be it further enacted, That from and after the passing of this Act no Union or Incorporation of Parishes shall be formed under the Provisions of the said Act made and passed in the Twenty-second Year of the Reign of His late Majesty King *George* the Third, without the previous Consent of the said Commissioners, testified under their Hands and Seal.

Constitution and Election of Board of Guardians for Unions.

XXXVIII. And be it further enacted, That where any Parishes shall be united by Order or with the Concurrence of the said Commissioners for the Administration of the Laws for the Relief of the Poor, a Board of Guardians of the Poor for such Union shall be constituted and chosen, and the Workhouse or Workhouses of such Union shall be governed, and the Relief of the Poor in such Union shall be administered, by such Board of Guardians; and the said Guardians shall be elected by the Rate-payers, and by such Owners of Property in the Parishes forming such Union as shall in manner herein-after mentioned require to have their Names entered as entitled to vote as Owners in the Books of such Parishes respectively; and the said Commissioners shall determine the Number and prescribe the Duties of the Guardians to be elected in each Union, and also fix a Qualification without which no Person shall be eligible as such Guardian, such Qualification to consist in being rated to the Poor Rate of some Parish or Parishes in such Union, but not so as to require a Qualification exceeding the annual Rental of Forty Pounds, and shall also determine the Number of Guardians which shall be elected for any One or more of such Parishes, having due Regard to the Circumstances of each such Parish: Provided always, that One or more Guardians shall be elected for each Parish included in such Union; and such Guardians, when so elected, shall continue in Office until the Twenty-fifth Day of *March* next following their Appointment or until others are appointed in their Stead, and on such Twenty-fifth Day of *March*, or if that Day should fall on a *Sunday* or *Good Friday* then on the Day next following, or within Fourteen Days next after the said Twenty-fifth Day of *March* in every Year, such Guardians shall go out of Office, and the Guardians for the ensuing Year shall be chosen; and in the event of any Vacancy occurring in such Board by the Death, Removal or Resignation, or Refusal or Disqualification to act of any elected Guardian between the Periods of such first and the next and any subsequent annual Election, or in case the full Number of Guardians shall not be duly elected at such subsequent Election of Guardians for the Time being, the other or remaining Members of the said Board shall continue to act until the next Election, or until the Completion of the said Board, as if no such Vacancy had occurred, and as if the Number

of such Board were complete; and every Justice of the Peace residing in any such Parish, and acting for the County, Riding, or Division in which the same may be situated, shall be an *ex officio* Guardian of such united or common Workhouses, and shall, until such Board of Guardians shall be duly elected and constituted as aforesaid, and also, in case of any Irregularity or Delay in any subsequent Election of Guardians, receive and carry into effect the Rules, Orders, and Regulations of the said Commissioners; and after such Board shall be elected and constituted as aforesaid every such Justice shall *ex officio* be and be entitled, if he think fit, to act as a Member of such Board, in addition to and in like Manner as such elected Guardians: Provided always, that, except where otherwise ordered by the said Commissioners, and also except for the Purpose of consenting to the Dissolution or Alteration of any Union or any Addition thereto, or to the Formation of any Union for the Purposes of Settlement or rating, no *ex officio* or other Guardian of any such Board as aforesaid shall have Power to act in virtue of such Office except as a Member and at a Meeting of such Board; and no Act of any such Meeting shall be valid unless Three Members shall be present and concur therein: Provided also, that nothing herein contained shall prevent such Owners and Rate-payers from re-electing the same Persons or any or either of them to be Guardians for the Year next ensuing, nor from electing as a Guardian any Person who may already have been chosen as a Guardian of any other Parish.

No Guardian to have Power except at a local Board, unless otherwise directed by the Commissioners.

Guardians may be re-elected.

The like for single Parishes.

XXXIX. And be it further enacted, That if the said Commissioners shall, by any Order under their Hands and Seal, direct that the Administration of the Laws for the Relief of the Poor of any single Parish should be governed and administered by a Board of Guardians, then such Board shall be elected and constituted, and authorized and entitled to act, for such single Parish, in like Manner in all respects as is herein-before enacted and provided in respect to a Board of Guardians for united Parishes; and every Justice of the Peace resident therein, and acting for the County, Riding, or Division in which the same is situated, shall be and may act as an *ex officio* Member of such Board.

At Elections of Guardians Votes to be taken in Writing, and Owners as well as Occupiers to vote.

XL. And be it enacted, That in all Cases of the Election of Guardians under this Act, or wherever the Consent of the Owners of Property or Rate-payers in any Parish or Union shall be required for any of the Purposes of this Act, except when otherwise expressly provided for in this Act, the Votes of such Owners and Rate-payers shall be given or taken in Writing, collected, and returned, in such Manner as the said Commissioners shall direct; and in every such Case the Owner, as well as the Rate-payer, in respect of any Property in such Parish or Union, shall be entitled to vote, and the Owner shall have the same Number and Proportion of Votes respectively as is provided for Inhabitants and other Persons in and by an Act made and passed in the Fifty-eighth Year of the Reign of His said late Majesty King *George* the Third, intituled *An Act for the Regulation of Parish Vestries*, and in and by an Act to amend the same, made and passed in the Fifty-ninth Year of His said late Majesty; and the Rate-payers under Two hundred Pounds shall each have a single Vote; and the

58 G. 3. c. 69.

Scale of Voting.

Rate-payers rated at Two hundred Pounds or more, but under Four hundred Pounds, shall each have Two Votes, and the Rate-payers rated at Four hundred Pounds or more, shall each have Three Votes; and the Majority of the Votes of such Owners and Rate-payers which shall be actually collected and returned shall in every such Case be binding on such Parish; and for the Purpose of ascertaining the Number of Votes to which each such Owner shall be entitled, the aggregate Amount of the Assessment for the Time being of any Property belonging to such Owner in such Parish, or on any Person or Persons in respect of the same, to the Poor Rate, shall be deemed to be and be taken as the annual Value of such Property to such Owner; and where any such Owner shall be the *bonâ fide* Occupier of any such Property, he shall be entitled to vote as well in respect of his Occupation as of his being such Owner: Provided always, that it shall be lawful for any Owner from Time to Time, by Writing under his Hand, to appoint any Person to vote as his Proxy; and every such Appointment shall remain in force until revoked or recalled by such Owner; but no Owner shall be entitled to vote, either in Person or Proxy, unless he shall, previous to the Day on which he shall claim to vote, have given a Statement in Writing of his Name and Address, and the Description of the Property in the Parish as Owner whereof, or Proxy for the Owner whereof, he claims to vote, and if such Proxy, the original or an attested Copy of the Writing appointing him such Proxy, to the Overseers of such Parish; and the said Overseers are hereby required to enter in the Rate Books of such Parish, or in some other Book to be from Time to Time provided for that Purpose, the Names and Addresses of the Owners and Proxies who shall send such Statements, and the Assessment of the Rate for the Relief of the Poor of the Property in respect whereof they respectively claim to vote: Provided also, that every Person who shall not vote, or who shall not comply with the Directions to be made by the said Commissioners for the giving, taking, or returning of Votes, shall be omitted in the Calculation of Votes, and considered as having had no Vote on the Question whereon he might have voted: Provided also, that no Person shall be deemed a Rate-payer, or be entitled to vote, or do any other Act, Matter, or Thing as such, under the Provisions of this Act, unless he shall have been rated to the Relief of the Poor for the whole Year immediately preceding his so voting or otherwise acting as such Rate-payer, and shall have paid the Parochial Rates and Assessments made and assessed upon him for the Period of One whole Year, as well as those due from him at the Time of so voting or acting, except such as shall have been made or become due within the Six Months immediately preceding such voting or acting: Provided always, that in Cases of Property belonging to any Corporation Aggregate, or to any Joint Stock or other Company, no Member of such Corporation, or Proprietor of or interested in such Joint Stock or other Company, shall be entitled to vote as such Owner in respect thereof; but any Officer of such Corporation, Joint Stock, or other Company, whose Name shall be entered by the Direction of the governing Body of such Corporation or Company in the Books of the Parish, in the Manner herein-before directed with respect to the Owner of Property, shall be entitled to vote in respect of such Property in the same Manner as if he were the Owner thereof.

Votes may be given by Proxy.

No Rate-payer to vote unless rated One Year.

XLI. And

Elections of Guardians, Visitors, and other Officers under the Act 22 G. 3. c. 83. or any Local Act to be made according to the Provisions of this Act.

XLI. And be it further enacted, That all Elections of Guardians, Visitors, and other Officers, for the Execution of any of the Powers or Purposes of the said recited Act made and passed in the Twenty-second Year of the Reign of His said late Majesty King *George* the Third, intituled *An Act for the better Relief and Employment of the Poor*, or of any Local Act of Parliament relating to Poorhouses, Workhouses, or the Relief of the Poor, or any Act to alter or amend the same respectively, shall hereafter, so far as the said Commissioners shall direct, be made and conducted according to the Provisions of this Act: Provided always, that it shall be lawful for the said Commissioners, if they shall so think fit, from Time to Time, with the Consent of the Majority of the Owners of Property and Rate-payers of any Parish, or of any Union now existing or to be formed under the Provisions of this Act, to alter the Period for which the Guardians to be appointed under the Provisions of this Act for such Parish or Union, or any of them, would under the Provisions of this Act hold Office, for such other Period or Periods as to the said Commissioners, with such Consent as aforesaid, shall seem expedient, and also to make such Alterations in the Number, Mode of Appointment, Removal, and Period of Service of the Guardians, or any of them, of any Parish, or of any Union now existing or to be formed under the Provisions of this Act, as to the said Commissioners, with such Consent as aforesaid, shall seem expedient.

Commissioners may make Rules, &c. for present or future Workhouses, and vary Bye Laws already in force or to be made hereafter.

XLII. And be it further enacted, That the said Commissioners may and are hereby authorized, by Writing under their Hands and Seal, to make Rules, Orders, and Regulations, to be observed and enforced at every Workhouse already established by virtue of the said recited Act made and passed in the Twenty-second Year of the Reign of His said late Majesty King *George* the Third, intituled *An Act for the better Relief and Employment of the Poor*, or any General or Local Act of Parliament, or hereafter to be established by virtue of such Acts or of any of them, or of this or any other Act of Parliament relating to the Relief of the Poor, for the Government thereof, and the Nature and Amount of the Relief to be given to and the Labour to be exacted from the Persons relieved, and the Preservation therein of good Order, and from Time to Time to suspend, alter, vary, amend, or rescind the same, and make any new or other Rules, Orders, and Regulations, to be observed and enforced as aforesaid, as they from Time to Time shall think fit, and to alter, at their Discretion, any of the Rules, Orders, and Regulations contained in the Schedule to the said recited Act, and also to alter or rescind any Rules, Orders, and Regulations heretofore made in pursuance of the said recited Act, or any Local Act of Parliament relating to Workhouses or the Relief of the Poor; and that all Rules, Orders, and Regulations to be from Time to Time made by the said Commissioners under the Authority of this Act shall be valid and binding, and shall be obeyed and observed as if the same were specifically made by and embodied in this Act; subject, nevertheless, to the said Power of the said Commissioners from Time to Time to rescind, amend, suspend, or alter the same: Provided always, that if any such Rule, Order, or Regulation shall be, at the Time of issuing the same, directed to and affect more than One Union, the same shall

Rules, &c. affecting more than One Union to be

be

be considered as a General Rule, and subject and liable to all the Provisions in this Act contained respecting General Rules. deemed General Rules.

XLIII. And be it further enacted, That where any Rules, Orders, or Regulations, or any Bye Laws, shall be made or directed by the said Commissioners to be observed or enforced in any Workhouse, it shall and may be lawful for any Justice of the Peace acting in and for the County, Place, or Jurisdiction in which such Workhouse shall be situate, to visit, inspect, and examine such Workhouse at such Times as he shall think proper, for the Purpose of ascertaining whether such Rules, Orders, Regulations, or Bye Laws are or have been duly observed and obeyed in such Workhouse, as well as for such other Purposes as Justices are now authorized to visit Workhouses under and by virtue of a certain Act made and passed in the Thirtieth Year of the Reign of His said late Majesty King *George* the Third, intituled *An Act to empower Justices and other Persons to visit Parish Workhouses or Poorhouses, and examine and certify the State and Condition of the Poor therein to the Quarter Sessions;* and if in the Opinion of such Justice such Rules, Orders, Regulations, or Bye Laws, or any of them, have not been duly observed and obeyed in such Workhouse, it shall be lawful for such Justice to summon the Party offending in such respect to appear before any Two Justices of the Peace to answer any Complaint touching the Nonobservance of such Rules, Orders, Regulations, and Bye Laws, or any of them, and upon Conviction before such Two Justices of the Party so offending such Party shall forfeit and be liable to such Penalties and Punishments as are herein-after prescribed and provided against Parties wilfully neglecting or disobeying the Rules, Orders, or Regulations of the said Commissioners: Provided always, that where no such Rules, Orders, Regulations, or Bye Laws shall have been directed by the said Commissioners to be enforced and observed in the Workhouse of any Parish, nothing in this Act contained shall be construed to restrain or prevent any Justice of the Peace, Physician, Surgeon, or Apothecary, or the Officiating Clergyman of any Parish, from visiting such Workhouse, and examining and certifying the State and Condition of the same and of the Poor therein, in such Manner as they or any of them are authorized to do in and by the said last-recited Act.

Justices empowered to see Bye Laws enforced, and to visit Workhouses, pursuant to 30 G. 3. c. 49.

The Power given to Justices, &c. to visit Workhouses reserved where Commissioners Rules, &c. are not in force.

XLIV. Whereas the Jurisdiction of certain Cities, Boroughs, and Corporate Towns is not always co-extensive with the Parish in which it exists; be it therefore enacted, That every House or Building which shall be erected, purchased, or hired as and for a Workhouse, together with all Premises and Appurtenances thereto belonging, and the Land or Lands occupied therewith, shall be deemed and held to be within and subject to the local Jurisdiction of such incorporated City, Borough, or Town to which they may respectively belong, though the same may be situated in such Part of the respective Parishes as may not be within the chartered Boundaries thereof.

Buildings taken for Workhouses to be within the Jurisdiction of the Place to which they belong, though situated without.

XLV. And be it further enacted, That nothing in this Act contained shall authorize the Detention in any Workhouse of any dangerous Lunatic, insane Person, or Idiot, for any longer Period than Fourteen Days; and every Person wilfully detaining in any Workhouse any

No Lunatic, insane Person, or dangerous Idiot, to be detained in a

Workhouse more than 14 Days.

any such Lunatic, insane Person, or Idiot, for more than Fourteen Days, shall be deemed guilty of a Misdemeanor: Provided always, that nothing herein contained shall extend to any Place duly licensed for the Reception of Lunatics and other insane Persons, or to any Workhouse being also a County Lunatic Asylum.

Commissioners may direct Overseers and Guardians to appoint paid Officers for Parishes or Unions;

XLVI. And be it further enacted, That it shall be lawful for the said Commissioners, as and when they shall see fit, by Order under their Hands and Seal, to direct the Overseers or Guardians of any Parish or Union, or of so many Parishes or Unions as the said Commissioners may in such Order specify and declare to be united for the Purpose only of appointing and paying Officers, to appoint such paid Officers with such Qualifications as the said Commissioners shall think necessary for superintending or assisting in the Administration of the Relief and Employment of the Poor, and for the examining and auditing, allowing or disallowing of Accounts in such Parish or Union, or united Parishes, and otherwise carrying the Provisions of this Act into execution; and the said Commissioners may and they are hereby empowered to define and specify and direct the Execution of the respective Duties of such Officers, and the Places or Limits within which the same shall be performed, and direct the Mode of the Appointment and determine the Continuance in Office or Dismissal of such Officers, and the Amount and Nature of the Security to be given by such of the said Officers as the said Commissioners shall think ought to give Security, and, when the said Commissioners may see Occasion, to regulate the Amount of Salaries payable to such Officers respectively, and the Time and Mode of Payment thereof, and the Proportions in which such respective Parishes or Unions shall contribute to such Payment; and such Salaries shall be chargeable upon and payable out of the Poor Rates of such Parish or Union, or respective Parishes, in the Manner and Proportions fixed by the said Commissioners, and shall be recoverable against the Overseers or Guardians of such Parish or Union, or Parishes, by all such Ways and Means as the Salaries of Assistant Overseers or other paid Officers of any Parish or Union are recoverable by Law; and all such Payments shall be valid, and shall be allowed in the Accounts of the Overseers or Guardians paying the same.

and fix their Duties, and the Mode of Appointment and Dismissal, and the Security;

and regulate their Salaries.

Overseers, &c. to pass Accounts quarterly.

XLVII. And be it further enacted, That every Overseer, Treasurer, or other Person having the Collection, Receipt, or Distribution of the Monies assessed for the Relief of the Poor in any Parish or Union, or holding or accountable for any Balance or Sum of Money, or any Books, Deeds, Papers, Goods, or Chattels relating to the Relief of the Poor, or the Collection or Distribution of the Poor Rate of any Parish or Union, shall once in every Quarter, in addition to the annual Account now by Law required, and where the Rules, Orders, and Regulations of the said Commissioners shall have come in force, then as often as the said Rules, Orders, and Regulations shall direct, but not less than once in every Quarter, make and render to the Guardians, Auditors, or such other Persons as by virtue of any Statute or Custom, or of the said Rules, Orders, or Regulations, may be appointed to examine, audit, allow,

allow, or disallow such Accounts, or in default of any such Guardian, Auditor, or other Person being so appointed as aforesaid, then to the Justices of the Peace at their Petty Sessions for the Division in which such Parish or Union shall be situate, a full and distinct Account in Writing of all Monies, Matters, and Things committed to their Charge, or received, held, or expended by them on behalf of any such Parish or Union, and if thereunto required by the Justices, Guardians, Auditors, or other Persons authorized in that Behalf, shall verify on Oath the Truth of all such Accounts and Statements from Time to Time respectively, or subscribe a Declaration to the Truth thereof, in manner and under the Penalties in this Act provided for Parties giving false Evidence or refusing to give Evidence under the Provisions of this Act; and all Balances due from any Guardian, Treasurer, Overseer or Assistant Overseer, or other Person having the Control and Distribution of the Poor Rate, or accountable for such Balances, may be recovered in the same Manner as any Penalties and Forfeitures are recoverable under this Act: Provided nevertheless, that no such Proceeding shall exonerate or discharge the Liability of the Surety of any such Treasurer, Overseer, Assistant Overseer, or other Person as aforesaid.

Recovery of Balances.

Surety not to be discharged.

XLVIII. And be it further enacted, That the said Commissioners may and they are hereby authorized and empowered, as and when they shall think proper, by Order under their Hands and Seal, either upon or without any Suggestion or Complaint in that Behalf from the Overseers or Guardians of any Parish or Union, to remove any Master of any Workhouse, or Assistant Overseer, or other paid Officer of any Parish or Union whom they shall deem unfit for or incompetent to discharge the Duties of any such Office, or who shall at any Time refuse or wilfully neglect to obey and carry into effect any of the Rules, Orders, Regulations, or Bye Laws of the said Commissioners, whether such Union shall have been made or such Officer appointed before or after the passing of this Act, and to require from Time to Time the Persons competent in that Behalf to appoint a fit and proper Person in his Room; and that any Person so removed shall not be competent to be appointed to or to fill any paid Office connected with the Relief of the Poor in any such Parish or Union, except with the Consent of the said Commissioners under their Hands and Seal: Provided always, that no Person shall be eligible to hold any Parish Office, or have the Management of the Poor in any way whatever, who shall have been convicted of Felony, Fraud, or Perjury.

Masters of Workhouses and Parish Officers to be under Order of Board, and removable by them.

XLIX. And be it further enacted, That any Contract which shall be entered into by or on behalf of any Parish or Union, for or relating to the Maintenance, Clothing, Lodging, Employment, or Relief of the Poor, or for any other Purpose relating to or connected with the general Management of the Poor, which shall not be made and entered into in conformity with the Rules, Orders, or Regulations of the said Commissioners in that Behalf in force at the Time of making and entering into the same, or otherwise sanctioned by them, shall be voidable, and, if the said Commissioners shall so direct, shall be null and void; and all Payments made under or in pursuance of any Contract not made and entered into in conformity

Contracts not to be valid unless conformable to the Rules of Commissioners.

formity with such Rules, Orders, or Regulations, at any Period after the said Commissioners shall have declared the same to be null and void as aforesaid, shall be disallowed in passing the Accounts of the Overseer, Guardian, or other Officer by whom such Payments shall have been made.

Repeal of 45 G.3. c.54. as to Contracts.

L. And be it further enacted, That from and after the passing of this Act a certain Act made and passed in the Forty-fifth Year of the Reign of His said late Majesty King *George* the Third, intituled *An Act to amend an Act made in the Ninth Year of King* George *the First, for amending the Laws relating to the Settlement, Employment, and Relief of the Poor, so far as the same respects Contracts to be entered into for the Maintenance and Employment of the Poor*, shall be and the same is hereby repealed: Provided always, that nothing in this Act contained shall extend or be construed to extend to affect or make void any Bond or other Security which shall have been entered into or given before the passing of this Act, under or in pursuance of the Provisions of the said Act hereby repealed.

The Penalty imposed by 55 G.3. c.137. on Persons having the Management of the Poor being concerned in any Contract extended to Persons appointed under this Act.

LI. And be it further enacted, That so much of a certain Act made and passed in the Fifty-fifth Year of the Reign of His said late Majesty King *George* the Third, intituled *An Act to prevent poor Persons in Workhouses from embezzling certain Property provided for their Use; to alter and amend so much of an Act of the Thirty-sixth Year of His present Majesty as restrains Justices of the Peace from ordering Relief to poor Persons in certain Cases for a longer Period than One Month at a Time; and for other Purposes therein mentioned, relating to the Poor*, as inflicts a Penalty on Persons having the Management of the Poor if concerned in providing or in any Contract for the Supply of any Goods, Materials, or Provisions for the Use of any Workhouse or Workhouses, or otherwise for the Support or Maintenance of the Poor for their own Profit, and all Remedies for the Recovery of such Penalties, shall apply and the same are hereby extended and made applicable to every Commissioner, Assistant Commissioner, Guardian, Treasurer, Master of a Workhouse, or other Officer to be appointed under the Provisions of this Act.

Commissioners to regulate the Relief to able-bodied Paupers and their Families out of the Workhouse.

LII. And whereas a Practice has obtained of giving Relief to Persons or their Families who, at the Time of applying for or receiving such Relief, were wholly or partially in the Employment of Individuals, and the Relief of the able-bodied and their Families is in many Places administered in Modes productive of Evil in other respects: And whereas Difficulty may arise in case any immediate and universal Remedy is attempted to be applied in the Matters aforesaid; be it further enacted, That from and after the passing of this Act it shall be lawful for the said Commissioners, by such Rules, Orders, or Regulations as they may think fit, to declare to what Extent and for what Period the Relief to be given to able-bodied Persons or to their Families in any particular Parish or Union may be administered out of the Workhouse of such Parish or Union, by Payments in Money, or with Food or Clothing in Kind, or partly in

Kind and partly in Money, and in what Proportions, to what Persons or Class of Persons, at what Times and Places, on what Conditions, and in what Manner such Out-door Relief may be afforded; and all Relief which shall be given by any Overseer, Guardian, or other Person having the Control or Distribution of the Funds of such Parish or Union, contrary to such Orders or Regulations, shall be and the same is hereby declared to be unlawful, and shall be disallowed in the Accounts of the Person giving the same, subject to the Exceptions herein-after mentioned: Provided always, that in case the Overseers or Guardians of any Parish or Union to which such Orders or Regulations shall be addressed or directed shall, upon Consideration of the special Circumstances of such Parish or Union, or of any Person or Class of Persons therein, be of Opinion that the Application and enforcing of such Orders or Regulations, or of any Part thereof, at the Time or in the Manner prescribed by the said Commissioners, would be inexpedient, it shall be lawful for such Overseers or Guardians to delay the Operation of such Orders or Regulations, or of any Part thereof, for any Period not exceeding the Space of Thirty Days, to be reckoned from the Day of the Receipt of such Orders or Regulations; and such Overseers or Guardians shall, Twenty Days at the least before the Expiration of such Thirty Days, make a Statement and Report of such special Circumstances to the said Commissioners; and all Relief which shall be given by such Overseers or Guardians, before an Answer to such Report shall have been returned by the said Commissioners, if otherwise lawful, shall not be deemed unlawful although the same shall have been given contrary to such Orders or Regulations, or any of them; but in case the said Commissioners shall disapprove of such Delay, or think that for the future such Orders or Regulations ought to come into operation, notwithstanding the special Circumstances alleged by such Overseer or Guardian, it shall be lawful for the said Commissioners, by a peremptory Order, to direct that from and after a Day to be fixed thereby such Orders and Regulations, or such Parts or Modifications thereof as they may think expedient and proper, shall be enforced and observed by such Overseers and Guardians; and if any Allowance be made or Relief given by such Overseers or Guardians after the said last-mentioned Period, contrary to any such last-mentioned Order, the Amount of the Relief or Allowance so given shall be disallowed in the Accounts of the Party giving the same: Provided also, that a quarterly Report of all such Cases as shall occur in any Quarter shall, at the End of every such Quarter, be laid by the said Commissioners before One of His Majesty's Principal Secretaries of State: Provided also, that in case the Overseers or Guardians of any Parish or Union in which such Orders or Regulations shall be in force shall depart from them or any of them in any particular Instance or Instances of Emergency, and shall within Fifteen Days after every such Departure report the same and the Grounds thereof to the said Commissioners, and the said Commissioners shall approve of such Departure, or if the Relief so given shall have been given in Food, temporary Lodging, or Medicine, and shall have been so reported as aforesaid, then and in either of such Cases the Relief granted by such Overseers or Guardians, if otherwise lawful, shall not be unlawful or subject to be disallowed.

Relief contrary to their Regulations to be disallowed:

But Overseers may delay the Operation of such Regulations under special Circumstances, and make Report thereof to Commissioners.

If Commissioners disapprove of Delay, they may fix a Day from which all such Relief shall be disallowed.

Cases of Emergency.

Repeal of 36 G.3. c.23. 55 G.3. c.137. s. 3 & 4, and 59 G.3. c.12. s. 2 & 5.

LIII. And be it further enacted, That an Act passed in the Thirty-sixth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to amend so much of an Act made in the Ninth Year of the Reign of King* George *the First, intituled* '*An Act for amending the Laws relating to the Settlement, Employment, and Relief of the Poor,*' *as prevents the distributing occasional Relief to poor Persons in their own Houses, under certain Circumstances and in certain Cases;* and so much of an Act made and passed in the Fifty-fifth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to prevent poor Persons in Workhouses from embezzling certain Property provided for their Use, to alter and amend so much of an Act of the Thirty-sixth Year of His present Majesty as restrains Justices of the Peace from ordering Relief to poor Persons in certain Cases for a longer Period than One Month at a Time, and for other Purposes therein mentioned relating to the Poor*, as extends the Period for which occasional Relief may be ordered by any Justice or Justices to poor Persons at their own Homes; and so much of the said Act made and passed in the Fifty-ninth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to amend the Laws for the Relief of the Poor*, as empowers any Justice or Justices to order Relief in certain Cases for a limited Time, or in Cases of urgent Necessity, or in Cases where Parishes are under the Management of Guardians, Governors, or Directors appointed by Special or Local Acts, or in Cases where Parishes have not a Select Vestry, shall be and the same are hereby repealed.

No Relief to be in future given, except by Board of Guardians, &c.

1 & 2 W. 4. c. 60.

LIV. And be it further enacted, That from and after the passing of this Act the ordering, giving, and directing of all Relief to the Poor of any Parish which, according to the Provisions of any of the said recited Acts, or of an Act passed in the First and Second Years of the Reign of His present Majesty, intituled *An Act for the better regulating of Vestries, and for the Appointment of Auditors of Accounts in certain Parishes in* England *and* Wales, or of this Act, or of any Local Acts, shall be under the Government and Control of any Guardians of the Poor, or of any Select Vestry, and whether forming Part of any Union or Incorporation or not, (but subject in all Cases to, and saving and excepting the Powers of, the said Commissioners appointed under this Act,) shall appertain and belong exclusively to such Guardians of the Poor or Select Vestry, according to the respective Provisions of the Acts under which such Guardians or Select Vestry may have been or shall be appointed; and it shall not be lawful for any Overseer of the Poor to give any further or other Relief or Allowance from the Poor Rate than such as shall be ordered by such Guardians or Select Vestry, except in Cases of sudden and urgent Necessity, in which Cases he is hereby required to give such temporary Relief as each Case shall require, in Articles of absolute Necessity, but not in Money, and whether the Applicant for Relief be settled in the Parish where he shall apply for Relief or not: Provided always, that in Case such Overseer shall refuse or neglect to give such necessary Relief in any such Case of Necessity to poor Persons not settled nor usually residing in the Parish to which such Overseer belongs, it shall and may be lawful for any Justice of the Peace to order the said Overseer, by Writing under his Hand and Seal, to give such tem-

porary Relief in Articles of absolute Necessity, as the Case shall require, but not in Money; and in case such Overseer shall disobey such Order, he shall, on Conviction before Two Justices, forfeit any Sum not exceeding Five Pounds which such Justices shall order: Provided always, that any Justice of the Peace shall be empowered to give a similar Order for Medical Relief (only) to any Parishioner, as well as Out-Parishioner, where any Case of sudden and dangerous Illness may require it; and any Overseer shall be liable to the same Penalties as aforesaid for disobeying such Order; but it shall not be lawful for any Justice or Justices to order Relief to any Person or Persons from the Poor Rates of any such Parish, except as hereinbefore provided.

Any Justice may give Order for Medical Relief in dangerous Illness.

LV. And be it enacted, That from and after the passing of this Act the Master of every Workhouse, or such other paid Officer of the Parish or Union as the said Commissioners may direct, shall, on such Day and in such Form as the said Commissioners shall appoint, take an Account of, and register in a Book to be provided at the Expence of the Parish or Union to which such Workhouse shall belong, and to be kept specially for that Purpose, the Name of every poor Person who shall on such Days be in the Receipt of Relief at or in such Workhouse, together with such Particulars respecting the Families and Settlement of every such poor Person, and his and their Relief and Employment, as the said Commissioners shall think fit; and in like Manner, on such Day as the said Commissioners shall appoint, the Overseer of the Poor of every such Parish shall register in a Book, to be provided and kept as aforesaid, the Name of every poor Person then in the Receipt of Relief in such Parish out of the Workhouse, together with such Particulars respecting the Family and Settlement of every such poor Person, and his and their Relief and Employments, as the said Commissioners shall think fit; and after such Account shall have been so taken and registered as aforesaid a similar Register and Account shall be kept by the like Persons respectively of all Persons who shall receive Relief at or in or out of a Workhouse, when and as often as such Relief shall be granted.

Masters of Workhouses and Overseers to keep Registers.

LVI. And be it further enacted, That from and after the passing of this Act all Relief given to or on account of the Wife, or to or on account of any Child or Children under the Age of Sixteen, not being blind or deaf and dumb, shall be considered as given to the Husband of such Wife, or to the Father of such Child or Children, as the Case may be, and any Relief given to or on account of any Child or Children under the Age of Sixteen of any Widow, shall be considered as given to such Widow: Provided always, that nothing herein contained shall discharge the Father and Grandfather, Mother and Grandmother, of any poor Child, from their Liability to relieve and maintain such poor Child in pursuance of the Provisions of a certain Act of Parliament passed in the Forty-third Year of the Reign of Her late Majesty Queen *Elizabeth*, intituled *An Act for the Relief of the Poor*.

Poor Persons liable for Relief to Wife or Children.

43 Eliz. c. 2.

LVII. And be it further enacted, That every Man who from and after the passing of this Act shall marry a Woman having a Child or Children

Husband liable to maintain

Children of Wife born before Marriage.

Children at the Time of such Marriage, whether such Child or Children be legitimate or illegitimate, shall be liable to maintain such Child or Children as a Part of his Family, and shall be chargeable with all Relief, or the Cost Price thereof, granted to or on account of such Child or Children until such Child or Children shall respectively attain the Age of Sixteen, or until the Death of the Mother of such Child or Children; and such Child or Children shall, for the Purposes of this Act, be deemed a Part of such Husband's Family accordingly.

Such Relief as Commissioners may direct to be considered as Loan.

LVIII. And be it further enacted, That from and after the passing of this Act any Relief, or the Cost Price thereof, which shall be given to or on account of any poor Person above the Age of Twenty-one, or to his Wife, or any Part of his Family under the Age of Sixteen, and which the said Commissioners shall by any Rule, Order, or Regulation declare or direct to be given or considered as given by Way of Loan, and whether any Receipt for such Relief, or Engagement to repay the same, or the Cost Price thereof, or any Part thereof, shall have been given or not by the Person to or on account of whom the same shall have been so given, shall be considered and the same is hereby declared to be a Loan to such poor Person.

Power to Justices to attach Wages in Hands of Master or Employer.

LIX. And be it further enacted, That in all Cases where any Relief shall have been given by Way of Loan, or where any Relief, or the Cost Price thereof, shall be treated as a Loan, under the Rules, Orders, and Regulations of the said Commissioners, or the Provisions of this Act, it shall be lawful for any Justice, upon the Application of the Overseers or Guardians of the Parish or Union providing such Relief, and upon Proof of the same having been given to or on account of any such Person, his Wife or Family as aforesaid, and of the same, or any Part thereof, still remaining due, to issue a Summons, requiring such Person, as well as the Master or Employer of such Person, or some Person on his Behalf, to appear before any Two Justices, at a Time and Place to be named in such Summons, to show Cause why any Wages due, or which may from Time to Time become due, from such Master or Employer, should not be paid over, in whole or in part, to such Overseers or Guardians, and if no sufficient Cause be shown to the contrary, or if such Person, or some one on his Behalf, shall not appear on the Return of such Summons, then the said Justices shall, by Order under their Hands, direct the Master or Employer for the Time being from whom any Wages shall be due or from Time to Time become due or payable to such poor Person, to pay, either in one Sum or by such weekly or other Instalments as the said Justices shall in their Discretion think fit, taking into consideration the Circumstances of such poor Person and his Family, out of such Wages, to such Overseers or Guardians, the Amount of such Relief, or so much thereof as shall from Time to Time be due or unpaid; and the Payment to and Receipt of any such Overseer or Guardian shall be a good Discharge to such Master or Employer for so much of any such Wages as shall be so paid by virtue of any such Order; and if any such Master or Employer shall refuse or neglect to pay to the Overseer or Guardian producing any such Order the Money thereby directed to be paid, according to the Terms of such Order, and at the Periods thereby fixed

Mode of Proceeding against Masters for Recovery thereof.

fixed for such Payment, the same may be levied and recovered, and the Payment thereof from Time to Time enforced against such Master or Employer, in such and the like Manner as Penalties and Forfeitures are recoverable under this Act.

Repeal of so much of 43 G. 3. c. 47. as requires Relief to be given to Wives and Families of Substitutes, hired Men, or Volunteers of Militia.

LX. And be it further enacted, That from and after the passing of this Act so much of an Act passed in the Forty-third Year of the Reign of His said late Majesty King *George* the Third, intituled *An Act for consolidating and amending the several Laws for providing Relief for the Families of Militiamen in* England *when called out into actual Service*, as directs Overseers of the Poor, by Order of some One Justice of the Peace, to pay to the Family of any Person serving or enrolled as a ballotted Man, Substitute, hired Man, or Volunteer in the Militia of *England*, a weekly Allowance, or as authorizes any Justice or Justices to order such Allowance to be paid under the Rules and Conditions in the said recited Act provided, or as in any way discharges such ballotted Man, Substitute, hired Man, or Volunteer from the Liability to maintain or repay the Costs of Maintenance of his Family or any Part thereof, or as prevents such Families or any Part thereof from being removable to their Place of legal Settlement, or sent to any Workhouse, by reason of their receiving any Allowance or being chargeable, shall be and the same is hereby repealed.

Justices to certify that Rules of Commissioners have been complied with in binding poor Children Apprentices.

LXI. And be it further enacted, That from and after the Period at which any Rule, Order, or Regulation of the said Commissioners shall come into Operation for the binding of poor Children Apprentices, in addition to such Assent or Consent, Order or Allowance of Justices, as are now required by Law, such Justices or any One Justice are and is hereby authorized and required to examine and ascertain whether the Rules, Orders, or Regulations of the said Commissioners then in force for the binding of poor Children Apprentices have been complied with, and to certify the same at the Foot of every such Contract or Indenture, and of the Counterpart thereof, in such Form and Manner as the said Commissioners by such Rules, Orders, or Regulations may direct, and until so certified no such Contract or Indenture of Apprenticeship shall be valid: Provided nevertheless, that nothing in this Act, or in any Rule, Order, or Regulation of the said Commissioners, shall affect the Jurisdiction of any Justices of the Peace over any Master or Apprentice during the Period of Apprenticeship.

Justices Power reserved as between Master and Apprentice.

Power to Owners and Rate-payers to raise Money on Security of Rates for Purposes of Emigration.

LXII. And be it further enacted, That it shall and may be lawful for the Rate-payers in any Parish, and such of the Owners of Property therein as shall, in manner herein-before mentioned, have required their Names to be entered in the Rate Books of such Parishes respectively as entitled to vote as Owners, assembled at a Meeting to be duly convened and held for the Purpose, after public Notice of the Time and Place of holding such Meeting, and the Purpose for which the same is intended to be held, shall have been given in like Manner as Notices of Vestry Meetings are published and given, to direct that such Sum or Sums of Money, not exceeding Half the average yearly Rate for the Three preceding Years, as the said Owners and Rate-payers so assembled at such Meeting may think

proper, shall be raised or borrowed as a Fund, or in aid of any Fund or Contribution for defraying the Expences of the Emigration of poor Persons having Settlements in such Parish, and willing to emigrate, to be paid out of or charged upon the Rates raised or to be raised for the Relief of the Poor in such Parish, and to be applied under and according to such Rules, Orders, and Regulations as the said Commissioners shall in that Behalf direct: Provided always, that no such Direction for raising Money for such Purpose as aforesaid shall have any Force or Effect unless and until confirmed by the said Commissioners, and that the Time to be limited for the Repayment of any Sum so charged on such Rates as aforesaid shall in no Case exceed the Period of Five Years from the Time of borrowing the same: Provided also, that all Sums of Money so raised as last herein-before mentioned, and advanced by way of Loan, for the Purposes of Emigration, or such Proportion thereof as the said Commissioners shall by any Rule, Order, or Regulation from Time to Time direct, shall be recoverable against any such Person, being above the Age of Twenty-one Years, who or whose Family, or any Part thereof, having consented to emigrate, shall refuse to emigrate after such Expences shall have been so incurred, or having emigrated shall return, in such and the like Manner as is herein-before provided with respect to Relief, or the Cost Price of Relief, given or considered to be given by way of Loan to any Person, his Wife or Family.

Overseers may apply to Commissioners of Exchequer Bills under Act 57 G. 3. c. 34. for Advance of Money.

LXIII. And be it further enacted, That where it shall be lawful, under the Provisions of any of the herein-recited Acts, or of any Local Act, or of this Act, to raise or borrow any Sum or Sums of Money for the Purpose of purchasing, building, altering, or enlarging any Workhouse or Workhouses in any Parish or Union, or for purchasing Land whereon to build the same, or for defraying the Expences of the Emigration of poor Persons having Settlements in any Parish, and being willing to emigrate, it shall be lawful for the Overseers or Guardians of such Parish or Union, with the Consent of the said Commissioners, to be testified under their Hands and Seal, to make Application for an Advance of any Sum necessary for any such Purposes to the Commissioners appointed under an Act made and passed in the Fifty-seventh Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to authorize the Issue of Exchequer Bills, and the Advance of Money out of the Consolidated Fund, to a limited Amount, for the carrying on of Public Works and Fisheries in the United Kingdom, and Employment of the Poor in* Great Britain, *in manner therein mentioned*, and of any Act or Acts passed for amending or continuing the same; and the said Exchequer Bill Loan Commissioners are hereby empowered to make such Advances, upon any such Application as aforesaid, upon the Security of the Rates for the Relief of the Poor in such Parish or Union, and without requiring any further or other Security than a Charge on such Rates.

Repeal of Settlement by Hiring and Service.

LXIV. And be it further enacted, That from and after the passing of this Act no Settlement shall be acquired by Hiring and Service, or by Residence under the same, or by serving an Office.

No Settlement incomplete under Hiring and Service to be completed.

LXV. And be it further enacted, That no Person under any Contract of Hiring and Service not completed at the Time of the passing of this Act shall acquire, or be deemed or adjudged to have acquired, any Settlement by reason of such Hiring and Service, or of any Residence under the same.

No Settlement acquired without paying Poor Rate;

LXVI. And be it further enacted, That from and after the passing of this Act no Settlement shall be acquired or completed by occupying a Tenement, unless the Person occupying the same shall have been assessed to the Poor Rate, and shall have paid the same, in respect of such Tenement, for One Year.

nor by being apprenticed in the Sea Service;

LXVII. And be it further enacted, That from and after the passing of this Act no Settlement shall be acquired by being apprenticed in the Sea Service, or to a Householder exercising the Trade of the Seas as a Fisherman or otherwise, nor by any Person now being such an Apprentice in respect of such Apprenticeship.

nor by Possession longer than the Person shall inhabit within 10 Miles thereof.

LXVIII. And be it further enacted, That no Person shall be deemed, adjudged, or taken to retain any Settlement, gained by virtue of any Possession of any Estate or Interest in any Parish, for any longer or further Time than such Person shall inhabit within Ten Miles thereof; and in case such Person shall cease to inhabit within such Distance, and thereafter become chargeable, such Person shall be liable to be removed to the Parish wherein previously to such Inhabitancy he may have been legally settled, or in case he may have subsequently to such Inhabitancy gained a legal Settlement in some other Parish, then to such other Parish.

Repeal of Acts relating to Liability and Punishment of putative Father, and Punishment of Mother of illegitimate Children.

LXIX. And be it further enacted, That from and after the passing of this Act so much of any Act or Acts of Parliament as enables any single Woman to charge any Person with having gotten her with any Child of which she shall then be pregnant, or as renders any Person so charged liable to be apprehended or committed, or required to give Security, on any such Charge, or as enables the Mother of any Bastard Child or Children to charge or affiliate any such Child or Children on any Person as the reputed or putative Father thereof, or as enables any Overseer or Guardian to charge or make Complaint against any Person as such reputed or putative Father, and to require him to be charged with or contribute to the Expences attending the Birth, Sustentation, or Maintenance of any such Child or Children, or to be imprisoned or otherwise punished for not contributing thereto, or as in any way renders such reputed or putative Father liable to Punishment or Contribution as such, or as enables Churchwardens and Overseers, by the Order of any Two Justices of the Peace, confirmed by the Sessions, to take, seize, and dispose of the Goods and Chattels, or to receive the annual Rents or Profits of the Lands of any putative Father of Bastard Children, and so much of any such Act or Acts as renders an unmarried Woman with Child liable as such to be summoned, examined, or removed, or as renders the Mother of any Bastard liable as such to be imprisoned or otherwise punished, shall, so far as respects any Child which shall be likely to be born or shall be born a Bastard

a Bastard after the passing of this Act, or the Mother or putative Father of such Child, be and the same is hereby repealed.

Securities and Recognizances for Indemnity of Parishes against Children likely to be born Bastards to be null and void.

LXX. And be it further enacted, That every Security given or Recognizance entered into by any Person or Persons, or his or their Surety, before the passing of this Act, to indemnify any Parish or Place as to any Child or Children likely to be born a Bastard or Bastards, whereof any single Woman shall be pregnant at the Time of the passing of this Act, or to abide and perform such Order or Orders as might have been made touching such Child or Children, pursuant to an Act made and passed in the Eighteenth Year of the Reign of Her said late Majesty Queen *Elizabeth*, concerning Bastards begotten and born out of lawful Matrimony, shall be and the same are hereby declared null and void; and every Person who shall at the Time of the passing this Act be in Custody upon the Commitment of any Justice or Justices for not having given such Security or entered into such Recognizance shall be discharged (upon the Application of such Person) by any One of the Visiting Justices of the Gaol in which such Person shall be in Custody under any such Commitment.

Persons in Custody for not giving Indemnity to be discharged.

Mother of illegitimate Children bound to maintain the same.

LXXI. And be it further enacted, That every Child which shall be born a Bastard after the passing of this Act shall have and follow the Settlement of the Mother of such Child until such Child shall attain the Age of Sixteen, or shall acquire a Settlement in its own Right, and such Mother, so long as she shall be unmarried or a Widow, shall be bound to maintain such Child as a Part of her Family until such Child shall attain the Age of Sixteen; and all Relief granted to such Child while under the Age of Sixteen shall be considered as granted to such Mother: Provided always, that such Liability of such Mother as aforesaid shall cease on the Marriage of such Child, if a Female.

Court of Quarter Sessions, on Application of Overseers, &c. may make an Order on putative Father of Child for its support.

LXXII. And be it enacted, That when any Child shall hereafter be born a Bastard, and shall by reason of the Inability of the Mother of such Child to provide for its Maintenance become chargeable to any Parish, the Overseers or Guardians of such Parish, or the Guardians of any Union in which such Parish may be situate, may, if they think proper, after diligent Inquiry as to the Father of such Child, apply to the next General Quarter Sessions of the Peace within the Jurisdiction of which such Parish or Union shall be situate, after such Child shall have become chargeable, for an Order upon the Person whom they shall charge with being the putative Father of such Child to reimburse such Parish or Union for its Maintenance and Support; and the Court to which such Application shall be made shall proceed to hear Evidence thereon, and if it shall be satisfied, after hearing both Parties, that the Person so charged is really and in Truth the Father of such Child, it shall make such Order upon such Person in that respect as to such Court shall appear to be just and reasonable under all the Circumstances of the Case: Provided always, that no such Order shall be made unless the Evidence of the Mother of such Bastard Child shall be corroborated in some material Particular by other Testimony to the Satisfaction of such Court: Provided also, that such Order shall in no Case exceed the actual Expence incurred

or to be incurred for the Maintenance and Support of such Bastard Child while so chargeable, and shall continue in force only until such Child shall attain the Age of Seven Years, if he shall so long live: Provided also, that no Part of the Monies paid by such putative Father in pursuance of such Order shall at any Time be paid to the Mother of such Bastard Child, nor in any way be applied to the Maintenance and Support of such Mother.

Monies paid not applicable to Support of Mother.

LXXIII. And be it enacted, That no such Application shall be heard at such Sessions unless Fourteen Days Notice shall have been given under the Hands of such Overseers or Guardians to the Person intended to be charged with being the Father of such Child of such intended Application; and in case there shall not, previously to such Sessions, have been sufficient Time to give such Notice, the hearing of such Application shall be deferred to the next ensuing General Quarter Sessions: Provided always, that whenever such Application shall be heard, the Costs of the Maintenance of such Bastard Child shall, in case the Court shall think fit to make an Order thereon, be calculated from the Birth of such Bastard Child, if such Birth shall have taken place within Six Calendar Months previous to such Application being heard; but if such Birth shall have taken place more than Six Calendar Months previously to such Application being heard, then from the Day of the Commencement of Six Calendar Months next preceding the hearing of such Application: Provided also, that if upon the hearing of such Application the Court shall not think fit to make any Order thereon, it shall order and direct that the full Costs and Charges incurred by the Person so intended to be charged in resisting such Application shall be paid by such Overseers or Guardians.

No Application to be heard without Fourteen Days previous Notice.

If Application be heard, Costs may be calculated from Birth of Bastard Child, if within Six Months.

LXXIV. And be it enacted, That if such Person so intended to be charged shall not appear by himself or his Attorney at the Time when such Application shall come on to be heard before such Court, according to such Notice, such Court shall nevertheless proceed to hear the same, unless such Overseers or Guardians shall produce an Agreement under the Hand of such Person to abide by such Order as such Court shall make thereon without the hearing of Evidence by such Court: Provided always, that such Court may, notwithstanding such Agreement, require that Evidence shall be given in support of such Application, if it thinks fit, before such Order is made.

In the Event of Party charged not appearing, Court may nevertheless enter into the Case.

LXXV. And be it enacted, That whenever such Overseers or Guardians shall have determined to make such Application as aforesaid it shall be lawful for One Justice of the Peace, at the Request of such Overseers or Guardians, to summon the Person so intended to be charged with being the Father of such Bastard Child to appear before him; and if such Justice shall be satisfied that such Person has any Intention to abscond or keep out of the way, in order to avoid the Consequences of such Application, such Justice may require such Person to enter into a Recognizance to appear and answer thereto, and in case such Person shall refuse or neglect to enter into such Recognizance, may commit such Person to the Gaol or House of

Party summoned, if suspected of intending to abscond, may be required to enter into a Recognizance for his Appearance.

Correction of the County, Riding, or Division within which such Parish shall be situate, until he shall enter into such Recognizance, or until such Application shall be heard.

When Payments get into arrear, putative Father may be proceeded against by Distress or Attachment of Wages.

LXXVI. And be it enacted, That if at any Time after the Expiration of One Calendar Month after an Order shall have been made in pursuance of such Application it shall appear to One Justice, upon the Oath of any One of such Overseers or Guardians, that the Payments directed to be made by such Order have not been made according thereto and are in arrear, it shall be lawful for such Justice or any other Justice by Warrant under his Hand and Seal to cause such putative Father of such Bastard Child to be brought before Two Justices of the Peace; and in case such putative Father shall refuse or neglect to make Payment of such Sum of Money as shall appear to such Justices to be due from him under such Order, together with the Costs of Apprehension, it shall be lawful for such or any Two Justices to proceed to recover such Sum and Costs by Distress and Sale of the Goods and Chattels of such putative Father, or by attaching the Wages of such putative Father for the Recovery of such Sum and Costs, in the same Manner as Wages may be attached under the Provisions of this Act.

No Person employed in Administration of Poor Laws to furnish, for his own Profit, Goods or Provisions given in Parochial Relief.

LXXVII. And be it further enacted, That it shall not be lawful for any Person hereafter to be appointed in any Parish or Union to any Office concerned in the Administration of the Laws for the Relief of the Poor, or for any Person who after the Twenty-fifth Day of *March* One thousand eight hundred and thirty-five shall fill any such Office, to furnish or supply, for his own Profit or on his own Account, any Goods, Materials, or Provisions ordered to be given in Parochial Relief, or to furnish or supply any Goods, Materials, or Provisions for or in respect of the Money ordered to be given in Parochial Relief to any Person in such Parish or Union; and every Person holding such Office shall, on Conviction before any Two Justices of the Peace, be subject to a Penalty of Five Pounds for such Offence, one Half of which Penalty shall be paid to the Informer, and the other Half in aid of the Poor Rates of such Parish or Union.

Sums payable under 43 Eliz. c. 2. s. 7. by Relations of poor Persons, how recoverable.

LXXVIII. And be it further enacted, That all Sums of Money which shall be assessed by any Justices of the Peace on the Father, Grandfather, Mother, Grandmother, Child, or Children of any poor Person, for the Relief or Maintenance of such poor Person, under or by virtue of the Provisions of a certain Act passed in the Forty-third Year of the Reign of Her late Majesty Queen *Elizabeth*, intituled *An Act for the Relief of the Poor*, or of any Act to amend the same, or of this Act, and all Penalties and Forfeitures to which any Person so assessed by such Justices for such Relief or Maintenance shall be liable for any Default in paying the same by virtue of the Provisions of any of the said recited Acts or of this Act, shall be recoverable against every Person so assessed or charged in like Manner as Penalties and Forfeitures are recoverable under the Provisions of this Act.

LXXIX. And

No Person to be removed till after Notice of his being chargeable has been sent to the Parish to which Order of Removal is directed.

LXXIX. And be it further enacted, That from and after the First Day of *November* One thousand eight hundred and thirty-four no poor Person shall be removed or removable, under any Order of Removal from any Parish or Workhouse, by reason of his being chargeable to or relieved therein, until Twenty-one Days after a Notice in Writing of his being so chargeable or relieved, accompanied by a Copy or Counterpart of the Order of Removal of such Person, and by a Copy of the Examination upon which such Order was made, shall have been sent, by Post or otherwise, by the Overseers or Guardians of the Parish obtaining such Order, or any Three or more of such Guardians, to the Overseers of the Parish to whom such Order shall be directed: Provided always, that if such Overseers or Guardians as last aforesaid, or any Three or more of such Guardians, shall by Writing under their Hands agree to submit to such Order, and to receive such poor Person, it shall be lawful to remove such poor Person according to the Tenor of such Order, although the said Period of Twenty-one Days may not have elapsed: Provided also, that if Notice of Appeal against such Order of Removal shall be received by the Overseers or Guardians of the Parish from which such poor Person is directed in such Order to be removed within the said Period of Twenty-one Days, it shall not be lawful to remove such poor Person until after the Time for prosecuting such Appeal shall have expired, or, in case such Appeal shall be duly prosecuted, until after the final Determination of such Appeal.

Such Person may be removed if Order submitted to;

but not in case of Appeal.

In case of Appeal the Overseers to have Access to such poor Person touching his Settlement.

LXXX. And be it enacted, That the Overseers or Guardians of the Parish giving such Notice of Appeal, or their Attorney, or any other Person authorized by them, shall, until such Appeal shall have been heard and decided, at all proper Times have free Access to such poor Person for the Purpose of examining him touching his Settlement; and in case it shall be necessary for the more effectual Examination of such Person that he should be taken out of the removing Parish, such Overseers or Guardians shall be permitted to remove him therefrom for the Time which may be necessary for that Purpose: Provided always, that the Expence of such Removal, and of his Maintenance during the same, shall be defrayed by the appellant Parish.

Grounds of Appeal to be stated in Notice.

LXXXI. And be it further enacted, That after the First Day of *November* One thousand eight hundred and thirty-four, in every Case where Notice of Appeal against such Order shall be given, the Overseers or Guardians of the Parish appealing against such Order, or any Three or more of such Guardians, shall, with such Notice, or Fourteen Days at least before the first Day of the Sessions at which such Appeal is intended to be tried, send or deliver to the Overseers of the respondent Parish a Statement in Writing under their Hands of the Grounds of such Appeal; and it shall not be lawful for the Overseers of such appellant Parish to be heard in support of such Appeal unless such Notice and Statement shall have been so given as aforesaid: Provided always, that it shall not be lawful for the respondent or appellant Parish, on the hearing of any Appeal, to go into or give Evidence of any other Grounds of Removal, or of Appeal against any Order of Removal, than those set forth in such respective Order, Examination, or Statement as aforesaid.

LXXXII. And

Parish losing Appeal to pay such Costs as Court may direct.

LXXXII. And be it further enacted, That upon every such Appeal the Court before whom the same shall be brought shall and may, if they think fit, order and direct the Parish against which the same shall be decided to pay to the other such Costs and Charges as may to such Court appear just and reasonable, and shall certify the Amount thereof; and in case the Overseers of the Poor of the Parish liable to pay the same shall, upon Demand, and upon the Production of such Certificate, refuse or neglect to pay the same, the Amount thereof may be recovered from such Overseer in the same Manner as any Penalties or Forfeitures are by this Act recoverable.

Party making frivolous or vexatious Statement to pay Costs.

LXXXIII. And be it further enacted, That if either of the Parties shall have included in the Order or Statement sent as herein-before directed any Grounds of Removal or of Appeal which shall in the Opinion of the Justices determining the Appeal be frivolous and vexatious, such Party shall be liable, at the Discretion of the said Justices, to pay the Whole or any Part of the Costs incurred by the other Party in disputing any such Grounds, such Costs to be recovered in the Manner herein-before directed as to the other Costs incurred by reason of such Appeal.

Costs of Relief to be paid by Parish to which poor Persons belong.

LXXXIV. And be it further enacted, That the Parish to which any poor Person whose Settlement shall be in question at the Time of granting Relief shall be admitted or finally adjudged to belong shall be chargeable with and liable to pay the Cost and Expence of the Relief and Maintenance of such poor Person, and such Cost and Expence may be recovered against such Parish in the same Manner as any Penalties or Forfeitures are by this Act recoverable: Provided always, that such Parish, if not the Parish granting such Relief, shall pay to the Parish by which such Relief shall be granted the Cost and Expence of such Relief and Maintenance from such Time only as Notice of such poor Person having become chargeable shall have been sent by such relieving Parish to the Parish to which such poor Person shall be so admitted or finally adjudged to belong: Provided always, that no Charges or Expences of Relief or Maintenance shall be recoverable under a suspended Order of Removal unless Notice of such Order of Removal, with a Copy of the same, and of the Examination upon which such Order was made, shall have been given within Ten Days of such Order being made to the Overseers of the Poor of the Parish to whom such Order is directed.

Relief under suspended Order not to be recoverable unless Notice sent of such Order.

Power to call for and publish Accounts of Trust and Charity Estates.

LXXXV. And be it enacted, That it shall be lawful for the said Commissioners and they are hereby empowered, from Time to Time as they may think fit, to require from all Persons in whom any Freehold, Copyhold, or Leasehold Estate, or any other Property or Funds belonging to any Parish, and held in Trust for or applicable to the Relief of the Poor, or which may be applied in diminution of the Poor Rate of such Parish, shall be vested, or who shall be in the Receipt of the Rents, Profits, or Income of any such Estate, Property, or Funds, a true and detailed Account in Writing of the Place where such Estate may be situate, or in what Mode or on what Security such other Property or Funds may be invested, with such Details of the Rents, Profits, and Income thereof, and of the Appro-

priation of the same, and of all such other Particulars relating thereto, as the said Commissioners may direct and require; and such Statement or a true Copy thereof shall, under the Regulations of the said Commissioners, be open for the Inspection of the Owners of Property and Rate-payers in such Parish: Provided always, that nothing hereinbefore contained shall apply to any Funds raised from Time to Time by the voluntary Contributions of the Inhabitants of any Parish.

Advertisements, &c. not liable to Stamp Duty.

LXXXVI. And be it further enacted, That no Advertisement inserted by or under the Direction of the said Commissioners in the *London Gazette* or any Newspaper, for the Purpose of carrying into effect any Provisions of this Act, nor any Mortgage, Bond, Instrument, or any Assignment thereof, given by way of Security, in pursuance of the Rules, Orders, or Regulations of the said Commissioners, and conformable thereto, nor any Contract or Agreement, or Appointment of any Officer, made or entered into in pursuance of such Rules, Orders, or Regulations, and conformable thereto, nor any other Instrument made in pursuance of this Act, nor the Appointment of any paid Officer engaged in the Administration of the Laws for the Relief of the Poor, or in the Management or Collection of the Poor Rate, shall be charged or chargeable with any Stamp Duty whatever.

Bonds and Securities made pursuant to 22 G. 3. c. 83., and Assignments thereof, exempted from Stamp Duty.

LXXXVII. And whereas by an Act passed in the Twenty-second Year of the Reign of King *George* the Third, intituled *An Act for the better Relief and Employment of the Poor*, the Visitor and Guardian of the Poor of any Parish, Township, or Place which shall adopt the Provisions of the said recited Act are authorized thereby to borrow Money at Interest, for the Purposes mentioned in the said Act, and to secure such Money by a Charge upon the Poor's Rates of such Parish, Township, or Place, in Sums not exceeding Fifty Pounds each, in a certain Form contained in the Schedule to the said Act, or to that or to the like Effect, and which Security is directed and allowed to be assigned by Indorsement on the Back thereof in a certain Form also contained in the said Schedule, or to that or the like Effect: And whereas Doubts have arisen touching the Liability of such Securities as aforesaid, and the Assignments or Transfers thereof, to Stamp Duty, and it is expedient to remove the same; be it therefore enacted and declared, That no Bond or other Security at any Time heretofore or to be at any Time hereafter made or entered into in pursuance of the said recited Act, nor any Assignment or Transfer thereof, shall be charged or chargeable with, or be deemed to be or to have been subject or liable to, any Stamp Duty whatsoever; any thing in any Act contained to the contrary thereof notwithstanding.

Letters to and from Board of Commissioners to be free of Postage, if sent conformable hereto.

LXXXVIII. And be it further enacted, That the said Commissioners shall and may receive and send by the General Post, from and to Places within the United Kingdom, all Letters and Packets relating solely and exclusively to the Execution of this Act, free from the Duty of Postage, provided that such Letters and Packets as shall be sent to the said Commissioners be directed to the "Poor Law Commissioners" at their Office in *London*, and that all such Letters and Packets as shall be sent by the said Commissioners shall be in Covers, with the Words "Office of Poor Law Commissioners, pursuant to Act of Parliament

passed in the Fifth Year of the Reign of His Majesty King *William* the Fourth," printed on the same, and be signed on the Outside thereof, under such Words, with the Name of such Person as the said Commissioners, with the Consent of the Lords Commissioners of the Treasury, or any Three or more of them, shall authorize and appoint, in his own Handwriting, (such Name to be from Time to Time transmitted to the Secretaries of the General Post Office in *London* and *Dublin*,) and be sealed with the Seal of the said Commissioners, and under such other Regulations and Restrictions as the said Lords Commissioners, or any Three or more of them, shall think proper and direct; and the Person so to be authorized is hereby strictly forbidden so to subscribe or seal any Letter or Packet whatever, except such only concerning which he shall receive the special Direction of his superior Officer, or which he shall himself know to relate solely and exclusively to the Execution of this Act; and if the Person so to be authorized, or any other Person, shall send, or cause or permit to be sent, under any such Cover, any Letter, Paper, or Writing, or any Enclosure, other than what shall relate to the Execution of this Act, every Person so offending shall forfeit and pay the Sum of One hundred Pounds, and be dismissed from his Office; one Moiety of the said Penalty to the Use of His Majesty, His Heirs and Successors, and the other Moiety to the Use of the Person who shall inform or sue for the same, to be sued for and recovered in any of His Majesty's Courts of Record at *Westminster* for Offences committed in *England*, and in any of His Majesty's Courts of Record in *Dublin* for Offences committed in *Ireland*, and before the Sheriff or Stewartry Court of the Shire or Stewartry within which the Party offending shall reside, or the Offence shall be committed, for Offences committed in *Scotland;* and if any Letter, Paper, or Writing, or other Enclosure, shall be sent under Cover to the said Commissioners, the same not relating solely and exclusively to the Execution of this Act, they are hereby strictly required and enjoined to transmit the same forthwith to the Secretary of the Post Office in *London*, with the Covers under which the same shall be sent, in order that the Contents thereof may be charged with the full Rates of Postage.

Letters sent under Cover not relating solely to the Business of the Act to be transmitted to Post Office to be charged.

Payments contrary to this Act to be disallowed.

LXXXIX. And be it further enacted, That all Payments, Charges, and Allowances made by any Overseer or Guardian, and charged upon the Rates for the Relief of the Poor, contrary to the Provisions of this Act, or at variance with any Rule, Order, or Regulation of the said Commissioners made under the Authority of this Act, shall be and the same are hereby declared to be illegal, any Law, Custom, or Usage to the contrary notwithstanding; and every Justice of the Peace is hereby required to disallow as illegal and unfounded all Payments, Charges, or Allowances contrary to the Provisions of this Act, or to any such Rule, Order, or Regulation of the said Commissioners, which shall be contained in any Account of any Overseer of the Poor or Guardian which shall be presented for the Purpose of being passed or allowed: Provided always, that no Allowance by any Justice shall exonerate or discharge such Overseer or Guardian from any Penalty or legal Proceeding to which he may have rendered himself liable by having acted contrary to the Rules, Orders, and Regulations of the said Commissioners, or to the Provisions of this Act.

Service of Summons.

XC. And be it further enacted, That the leaving of any Summons authorized to be issued by any Commissioner, Assistant Commissioner, or Justice of the Peace, under this Act, at the usual or last known Place of Abode of the Party to whom such Summons shall be directed, shall in every Case be deemed good and sufficient Service of such Summons.

Repeal of so much of 6 G. 4. c. 80. as relates to Prohibition of Spirituous Liquors in Workhouses.

XCI. And be it further enacted, That so much of an Act made and passed in the Sixth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to repeal the Duties payable in respect of the Spirits distilled in* England, *and of Licences for distilling, rectifying, or compounding such Spirits, and for the Sale of Spirits, and to impose other Duties in lieu thereof, and to provide other Regulations for the Collection of the said Duties, and for the Sale of Spirits, and for the warehousing of such Spirits without Payment of Duty for Exportation*, as provides that if any Master or Officer of any Workhouse shall sell, use, lend, or give away, or knowingly permit or suffer any Spirits to be sold, used, lent, or given away, in any such Workhouse, or brought into the same, other than and except such Spirits as shall be prescribed or given by the Prescription and Direction of a Physician, Surgeon, or Apothecary, and to be supplied in pursuance of such Prescriptions from the Shop of some Apothecary, every such Master or such other Officer shall for every such Offence forfeit One hundred Pounds, and for the Second like Offence lose his Office; and so much of the said last-mentioned Act as provides that no Person shall carry or bring, or attempt to endeavour to carry or bring, any Spirits, except to be used in the way of Medicine, into any Workhouse, under the Pain of being imprisoned for every such Offence for any Time not exceeding Three Months; and also so much of the said last-mentioned Act as provides that every Master and chief Officer of every Workhouse shall procure One or more Copy or Copies of the Clauses in the said Act mentioned to be printed or fairly written and hung up in one of the most public Places in the Workhouse, and renew the same from Time to Time, so that it may be always kept fair and legible, on pain of forfeiting the Sum of Ten Pounds for every wilful Default; or as enables any Justice of the Peace to demand a Sight of such Copy so hung up in some public Place, to convict such Master or Officer of such Default; shall be and the same is hereby repealed.

Penalty on Persons introducing spirituous Liquors into Workhouses.

XCII. And be it further enacted, That if any Person shall carry, bring, or introduce, or attempt or endeavour to carry, bring, or introduce, into any Workhouse now or hereafter to be established, any spirituous or fermented Liquor without the Order in Writing of the Master of such Workhouse, it shall be lawful for the Master of such Workhouse, or any Officer of the same acting under his Direction, to apprehend or cause to be apprehended such Offender, and to carry him or her before a Justice of the Peace, who is hereby empowered to hear and determine such Offence in a summary Way; and upon Conviction thereof the Party so offending shall forfeit and pay any Sum of Money not exceeding Ten Pounds for every such Offence,

Offence, as such Justice may direct; and in default of Payment of the Penalty hereby imposed such Justice may and is hereby required to commit such Offender to the Common Gaol or House of Correction for the District in which such Workhouse shall be situate for any Space of Time not exceeding Two Calendar Months, unless such Penalty shall be sooner paid.

Penalty on Masters of Workhouses allowing Use of spirituous Liquors, or ill-treating poor Persons, or misconducting himself.

XCIII. And be it further enacted, That if any Master of a Workhouse shall order any spirituous or fermented Liquor to be carried, brought, or introduced into any Workhouse, except for the domestic Use of himself or of any Officer of the said Workhouse, or their respective Families, or except by and under the written Authority of the Surgeon of such Workhouse, or of any Justice visiting the same, or of the Guardians of such Workhouse, or in conformity with any Rules, Orders, or Regulations of the said Commissioners; or if any such Master or any other Officer of any Workhouse shall carry, bring, or introduce into such Workhouse, or sell, use, lend, or give away therein, or knowingly permit or suffer to be carried, brought, or introduced, or sold, used, lent, or given away therein, any spirituous or fermented Liquor, contrary to the Rules, Orders, and Regulations of the said Commissioners; or shall punish with any corporal Punishment any adult Person in such Workhouse, or confine any such Person for any Offence or Misbehaviour for any longer Space of Time than Twenty-four Hours, or such further Space of Time as may be necessary in order to have such Person carried before a Justice of the Peace; or shall in any way abuse or ill-treat, or be guilty of any other Misbehaviour, or otherwise misconduct himself towards or with respect to any poor Person in such Workhouse; every such Master or Officer of a Workhouse so offending shall for every such Offence, upon the Complaint of the Overseers or Guardians of the Parish or Union to which such Workhouse shall belong, or of any such poor Person, and upon Conviction of such Offence before any Two Justices, forfeit and pay such Sum of Money, not being more than Twenty Pounds, as such Justices may direct; and in default of Payment of the Penalty hereby imposed such Justices may and are hereby required to commit such Offender to the Common Gaol or House of Correction for the District in which such Workhouse shall be situate for any Space of Time not exceeding Six Calendar Months, unless such Penalty shall be sooner paid: Provided always, that if at the Time when any such Master or Officer of a Workhouse shall be so convicted of any such Offence there shall be due to him any Sum of Money or Salary in respect of his Employment as such Master or Officer of such Workhouse, or upon any Balance of Account from the Overseers or Guardians of the Parish or Union to which such Workhouse shall belong, it shall be lawful for such Justices, upon the Application of such Overseers or Guardians, by Order in Writing under their Hand to direct that such Sum of Money, Salary, or Balance, so far as the same shall extend, or a sufficient Part thereof, shall be retained and applied for the Use of such Parish or Union by such Overseers or Guardians, in Payment or part Payment of any such Penalty; and such Order shall be a good and valid Discharge to such Overseers or Guardians for so much Money as may by such Order be directed to

Power for Justices to order Salaries, &c. to be stopped, and applied towards Payment of Penalties.

be

be so retained and applied against the Claim or Demand of the Master or other Officer of such Workhouse in respect of any such Sum of Money, Salary, or Balance.

Masters to hang up Copies of Two preceding Clauses in Workhouse.

XCIV. And be it further enacted, That the Master of every Workhouse shall cause One or more Copy or Copies of the Two preceding Clauses to be printed or fairly written, and hung up in One of the most public Places of such Workhouse, and renew the same from Time to Time, so that it be always kept fair and legible, on pain of forfeiting the Sum of Ten Pounds for every wilful Default.

Penalties on Overseers and other Officers disobeying Guardians.

XCV. And be it further enacted, That in case any Overseer, Assistant Overseer, Master of a Workhouse, or other Officer of any Parish or Union, shall wilfully disobey the legal and reasonable Orders of such Justices and Guardians in carrying the Rules, Orders, and Regulations of the said Commissioners or Assistant Commissioners, or the Provisions of this Act, into execution, every such Offender shall, upon Conviction before any Two Justices, forfeit and pay for every such Offence any Sum not exceeding Five Pounds.

No Overseer to be prosecuted for not executing illegal Orders of Justices.

XCVI. Provided always, and be it further enacted, That no Overseer shall from henceforth be liable to any Prosecution or Penalty for not carrying into Execution any illegal Order of such Justices or Guardians, any Law or Statute to the contrary notwithstanding.

Penalty on Overseers, &c purloining, &c. Goods, &c. 20*l.* and Treble the Value of Goods purloined.

XCVII. And be it further enacted, That if any Overseer, Assistant Overseer, Master of a Workhouse, or other paid Officer, or any other Person employed by or under the Authority of the said Guardians, shall purloin, embezzle, or wilfully waste or misapply any of the Monies, Goods, or Chattels belonging to any Parish or Union, every such Offender shall, besides and in addition to such Pains and Penalties as such Person so offending shall, independently of this Act, be liable to, upon Conviction before any Two Justices, forfeit and pay for every such Offence any Sum not exceeding Twenty Pounds, and also Treble the Amount or Value of such Money, Goods, or Chattels so purloined, embezzled, wasted, or misapplied; and every Person so convicted shall be for ever thereafter incapable of serving any Office under the Provisions of this or any other Act in relation to the Relief of the Poor.

Penalty on Persons wilfully disobeying Rules, Orders, and Regulations.

XCVIII. And be it further enacted, That in case any Person shall wilfully neglect or disobey any of the Rules, Orders, or Regulations of the said Commissioners or Assistant Commissioners, or be guilty of any Contempt of the said Commissioners sitting as a Board, such Person shall, upon Conviction before any Two Justices, forfeit and pay for the First Offence any Sum not exceeding Five Pounds, for the Second Offence any Sum not exceeding Twenty Pounds nor less than Five Pounds, and in the event of such Person being convicted a Third Time, such Third and every subsequent Offence shall be deemed a Misdemeanor, and such Offender shall be liable to be indicted for the same Offence, and shall on Conviction pay such Fine, not being less than Twenty Pounds, and suffer such Imprisonment,

with or without hard Labour, as may be awarded against him by the Court by or before which he shall be tried and convicted.

Forfeitures, Costs, and Charges may be levied by Distress and Sale.

XCIX. And be it further enacted, That all Penalties and Forfeitures by this Act inflicted or authorized to be imposed for any Offence against the same shall, upon Proof and Conviction of the Offences respectively before any Two Justices, either by the Confession of the Party offending, or by the Oath of any credible Witness or Witnesses, (which Oath such Justices are in every Case hereby fully authorized to administer,) or upon Order made as aforesaid, be levied, together with the Costs attending the Information, Summons, and Conviction, by Distress and Sale of the Goods and Chattels of the Offender or Person liable or ordered to pay the same respectively, by Warrant under the Hands of the Justices before whom the Party may have been convicted, or, on Proof of such Conviction, by a Warrant under the Hands of any Two Justices acting for the County, Riding, or Division (which Warrant such Justices are hereby empowered and required to grant); and the Overplus (if any), after such Penalties and Forfeitures, and the Charges of such Distress and Sale, are deducted, shall be returned, upon Demand, unto the Owner or Owners of such Goods and Chattels; and in case such Fines, Penalties, and Forfeitures shall not be forthwith paid upon Conviction, then it shall be lawful for such Justices as aforesaid to order the Offender or Offenders so convicted to be detained and kept in safe Custody until Return can be conveniently made to such Warrant of Distress, unless the Offender or Offenders shall give sufficient Security, to the Satisfaction of such Justices as aforesaid, for his or their Appearance before such Justices on such Day or Days as shall be appointed for the Return of such Warrant of Distress, such Day or Days not being more than Seven Days from the Time of taking any such Security, and which Security the said Justices as aforesaid are hereby empowered to take by way of Recognizance or otherwise; but if upon the Return of such Warrant it shall appear that no sufficient Distress can be had thereupon, then it shall be lawful for any such Justices as aforesaid, as the Case may be, and they are hereby authorized and required, by Warrant or Warrants under their Hands, to cause such Offender or Offenders to be committed to the Common Gaol or House of Correction of the County, Riding, or Place where the Offender shall be or reside, there to remain, without Bail or Mainprize, for any Term not exceeding Three Calendar Months, unless such Penalties and Forfeitures, and all reasonable Charges attending the same, shall be sooner paid and satisfied; and the Penalties and Forfeitures, when so levied, shall be paid to or for the Use of the Parish or Union where such Offence shall have been committed, to be applied in aid of the Poor Rate of such Parish or Union.

In what Manner to be applied.

Owners, Rate-payers, &c. may be competent Witnesses.

C. And be it further enacted, That no Owner of Property, Rate-payer, or Inhabitant of any Parish or Union shall be deemed an incompetent Witness in any Proceeding for the Recovery of any Penalty or Forfeiture inflicted or imposed for any Offence against this Act, notwithstanding such Penalty or Forfeiture, when recovered, shall be applicable in aid of the Poor Rate of such Parish or Union.

CI. And

Justices may proceed by Summons for the Recovery of Penalties.

CI. And be it further enacted, That in all Cases in which any Penalty or Forfeiture is recoverable before the Justices of the Peace under this Act it shall and may be lawful for any Commissioner or Assistant Commissioner, or any Justice, to whom Complaint in Writing shall be made of any such Offence, to summon the Party complained against to appear before any Two Justices, and on such Summons the said Two Justices may hear and determine the Matter of such Complaint, and on Proof of the Offence convict the Offender, and adjudge him to pay the Penalty or Forfeiture incurred, and proceed to recover the same.

Satisfaction recoverable for special Damage, but Distress not unlawful for Want of Form in the Proceedings.

Plaintiff not to recover for Irregularity, if Tender of Amends be made.

CII. And be it further enacted, That where any Distress shall be made for any Sum of Money to be levied by virtue of this Act the Distress itself shall not be deemed unlawful, nor the Party making the same be deemed a Trespasser, on account of any Default or Want of Form in any Proceedings relating thereto, nor shall the Party distraining be deemed a Trespasser *ab initio* on account of any Irregularity which shall afterwards happen in making the Distress, but the Person aggrieved by such Irregularity may recover full Satisfaction for the special Damage in an Action on the Case: Provided always, that no Plaintiff shall recover in any Action for any Irregularity, Trespass, or wrongful Proceedings, if Tender of sufficient Amends shall be made, by or on behalf of the Party who shall have committed or caused to be committed any such Irregularity, Trespass, or wrongful Proceedings, before such Action shall have been brought; and in case no such Tender shall have been made it shall and may be lawful for the Defendant in any such Action, by Leave of the Court where such Action shall depend, at any Time before Issue joined, to pay into Court such Sum of Money as he shall see fit, whereupon such Proceedings, or Orders and Judgment, shall be had, made, and given in and by such Court as in other Actions where the Defendant is allowed to pay Money into Court.

Appeal to the Quarter Sessions against Order of Justices within Four Calendar Months after Cause of Complaint, &c.

Fourteen Days Notice in Writing to be given, &c.

CIII. Provided also, and be it further enacted, That if any Person or Persons shall find himself, herself, or themselves aggrieved by any Order or Conviction of any Justice or Justices, where such Person or Persons shall be convicted in any Penalty or Penalties exceeding Five Pounds, or if any Person shall find himself aggrieved by any Order made under the Provisions of this Act on such Person as the putative Father of any Bastard Child, it shall be lawful for such Person or Persons to appeal to any General or Quarter Sessions of the Peace to be held in and for the County, Riding, or Division in which such Order shall have been made or Conviction taken place within Four Calendar Months next after the Cause of Complaint shall have arisen, or if such Sessions shall be held before the Expiration of One Calendar Month next after such Cause of Complaint, then such Appeal shall be made to the next following Sessions, either of which Court of Sessions is hereby empowered to hear and finally determine the Matter of the said Appeal, and to make such Order therein as to them shall seem meet; which Order shall be final and conclusive to and upon all Parties; provided that the Person or Persons so appealing shall give or cause to be given at least Fourteen Days Notice in Writing of his, her, or their Intention of appealing as aforesaid, and of the Matter or Cause thereof,

and Recognizance to be entered into.

thereof, to the Respondent or Respondents, and within Five Days after such Notice shall enter into a Recognizance before some Justice of the Peace, with sufficient Securities, conditioned to try such Appeal at the then next General Sessions or Quarter Sessions of the Peace which shall first happen, and to abide the Order of and pay such Costs as shall be awarded by the Justices at such Quarter Sessions, or any Adjournment thereof; and such Justices, upon hearing and finally determining such Matter of Appeal, shall and may, according to their Discretion, award such Costs to the Party appealing or appealed against as they shall think proper; and their Determination in or concerning the Premises shall be conclusive and binding on all Parties to all Intents and Purposes whatsoever.

Limitation of Actions.

CIV. And be it further enacted, That no Action or Suit shall be commenced against any Commissioner, Assistant Commissioner, or any other Person for any thing done in pursuance of or under the Authority of this Act until Twenty-one Days Notice has been given thereof in Writing to the Party or Person against whom such Action is intended to be brought, nor after sufficient Satisfaction or Tender thereof shall have been made to the Party aggrieved, nor after Three Calendar Months next after the Act committed for which such Action or Suit shall be so brought; and every such Action shall be brought, laid, and tried where the Cause of Action shall have arisen, and not in any other County or Place; and the Defendant in such Action or Suit may plead the General Issue, and give this Act and any special Matter in Evidence, at any Trial which shall be had thereupon; and if the Matter or Thing shall appear to have been done under or by virtue of this Act, or if it shall appear that such Action or Suit was brought before Twenty-one Days Notice thereof given as aforesaid, or that sufficient Satisfaction was made or tendered as aforesaid, or if any Action or Suit shall not be commenced within the Time before limited, or shall be laid in any other County than as aforesaid, then the Jury shall find a Verdict for the Defendant therein; and if a Verdict shall be found for such Defendant, or if the Plaintiff in such Action or Suit shall become Nonsuit, or suffer a Discontinuance of such Action, or if, upon any Demurrer in such Action, Judgment shall be given for the Defendant therein, then and in any of the Cases aforesaid such Defendant shall have Costs, Charges, and Expences as between Attorney and Client, and shall have such Remedy for recovering the same as any Defendant may have for his or her Costs in any other Case by Law.

Defendant may plead the General Issue.

Costs.

Rules, &c. to be removable by Certiorari to Court of King's Bench.

Rules, &c. so removed to continue in force until declared illegal.

CV. And be it further enacted, That no Rule, Order, or Regulation of the said Commissioners or Assistant Commissioners, or any of them, shall be removed or removable by Writ of Certiorari into any Court of Record, except His Majesty's Court of King's Bench at *Westminster*; and that every Rule, Order, or Regulation which shall be removed by Writ of Certiorari into the said Court of King's Bench shall nevertheless, unless and until the same shall be declared illegal by that Court, continue in full force and virtue, and be obeyed, performed, and enforced, in such and the same Manner, and by such and the same Ways and Means, as if the same had not been so removed.

CVI. And

Notice to be given to Commissioners of Application for Writ of Certiorari, &c.

CVI. And be it further enacted, That no Application shall be made for any Writ of Certiorari for the Removal of any such Rule, Order, or Regulation, except to the Judges when sitting in the said Court, nor unless Notice in Writing shall have been left at the Office of the said Commissioners at least Ten Days previous to such Application being made, and in which Notice shall be set forth the Name and Description of the Party by or on behalf of whom and the Day on which it is intended to make such Application, together with a Statement of the Grounds thereof; and thereupon it shall be lawful for the said Commissioners to show Cause in the first instance against such Application, and the Court may, if it shall so think fit, forthwith proceed to hear and determine the same upon the Grounds set forth in such Notice.

Commissioners may show Cause.

Recognizances to be entered into.

CVII. And be it further enacted, That previous to any Writ of Certiorari being issued the Party or Parties applying for the same shall enter into a Recognizance, with sufficient Sureties, before One of His Majesty's Justices of the Court of King's Bench, or before a Justice of the Peace of the County or Place in which such Person shall reside, in the Sum of Fifty Pounds, with Condition to prosecute the same, at his or their Costs and Charges, with Effect, without any wilful or affected Delay, and in default thereof, or in the event of such Rule, Order, or Regulation being deemed legal, to pay the said Commissioners their full Costs, Charges, and Expences, to be taxed according to the Course of the said Court of King's Bench; and if the said Rule, Order, or Regulation, so removed by the said Writ of Certiorari into the said Court of King's Bench, shall be declared legal by the said Court, the Commissioners entitled to such Costs, within Ten Days after Demand made of the Person or Persons who ought to pay the said Costs, upon Oath made of the making such Demand and Refusal of Payment thereof, may recover the same in the same Manner as any Penalties and Forfeitures are recoverable under this Act.

If Rule be declared legal, Commissioners to be entitled to Costs.

If Rules are quashed, the same to be notified to Parishes to which such Rules have been directed.

CVIII. And be it further enacted, That if upon the Hearing of the Application the Court shall order a Writ of Certiorari to issue for bringing up any such Rule, Order, or Regulation, and the same, being brought into Court, shall be quashed as illegal, the said Commissioners shall forthwith notify the Judgment of the Court to all Unions, Parishes, or Places to which such Rule, Order, or Regulation shall have been directed, and the same shall from the Time of receiving such Notice respectively be deemed and taken to be null and void to all Intents and Purposes whatsoever: Provided that such Judgment shall not have the Effect of annulling any Contracts made in pursuance or upon the Authority of any such Rule, Order, or Regulation which at the Receipt of such Notice respectively shall have been executed by either of the contracting Parties: Provided also, that no Person shall be liable to be prosecuted, either by Indictment or by Civil Action, for or in respect of any Act done by him before the Receipt of such Notice, under the Authority and in pursuance of such Rule, Order, or Regulation.

Proviso for existing Contracts.

No Person to be answerable until Receipt of Notice.

Interpretation Clause.

CIX. And be it further enacted, That in the Construction of this Act the Word "Auditor" shall be construed to mean and include every Person, other than Justices of the Peace acting in

virtue of their Office, appointed or empowered to audit, control, examine, allow, or disallow the Accounts of any Guardian, Overseer, or Vestrymen relating to the Receipt or Expenditure of the Poor Rate; the Words "General Rule" shall be construed to mean any Rule relating to the Management of the Poor or to the Execution of this Act which shall at the Time of issuing the same be addressed by the said Commissioners to more than One Union, or to more Parishes or Places than One not forming a Union, or not to be formed into or added to a Union under or by virtue of such Rule; the Word "Guardian" shall be construed to mean and include any Visitor, Governor, Director, Manager, Acting Guardian, Vestryman, or other Officer in a Parish or Union, appointed or entitled to act as a Manager of the Poor, and in the Distribution or ordering of the Relief to the Poor from the Poor Rate, under any General or Local Act of Parliament; the Words "Justice or Justices of the Peace" shall be construed to include Justices of the Peace of any County, Division of a County, Riding, Borough, Liberty, Division of a Liberty, Precinct, County of a City, County of a Town, Cinque Port, or Town Corporate, unless where otherwise provided by this Act; the Word "Oath" shall be construed to include the Affirmation of a Quaker, Separatist or Moravian; the Words "Orders and Regulations" shall be construed to mean and include any Rule, Order, Regulation, or Bye Law relating to the Management or Relief of the Poor, or the Execution of this Act, which at the Time of issuing the same shall be addressed, directed, or applied to any One Parish or Union, or to any Number of Parishes which have been or by virtue of any Order shall be constituted a Union or added to a Union; the Word "Officer" shall be construed to extend to any Clergyman, Schoolmaster, Person duly licensed to practise as a Medical Man, Vestry Clerk, Treasurer, Collector, Assistant Overseer, Governor, Master or Mistress of a Workhouse, or any other Person who shall be employed in any Parish or Union in carrying this Act or the Laws for the Relief of the Poor into execution, and whether performing One or more of the above-mentioned Functions; the Word "Overseer" shall be construed to mean and include Overseers of the Poor, Churchwardens, so far as they are authorized or required by Law to act in the Management or Relief of the Poor, or in the Collection or Distribution of the Poor Rate, Assistant Overseer, or any other subordinate Officer, whether paid or unpaid, in any Parish or Union, who shall be employed therein in carrying this Act or the Laws for the Relief of the Poor into execution; the Word "Owner" shall be construed to include any Person for the Time being in the actual Occupation of any Property rateable to the Relief of the Poor, and not let to him at Rack Rent, or any Person receiving the Rack Rent of any such Property, either on his own Account or as Mortgagee or other Incumbrancer in possession; and the Words "Rack Rent" shall be construed to mean any Rent which shall not be less than Two Thirds of the full improved net annual Value of any Property; the Word "Parish" shall be construed to include any Parish, City, Borough, Town, Township, Liberty, Precinct, Vill, Village, Hamlet, Tithing, Chapelry, or any other Place, or Division or District of a Place, maintaining its own Poor, whether parochial or extra-parochial; the Word "Person" shall be construed to include any Body Politic,

Corporate, or Collegiate, Aggregate or Sole, as well as any Individual; the Word "Poor" shall be construed to include any Pauper or poor or indigent Person applying for or receiving Relief from the Poor Rate in *England* or *Wales*, or chargeable thereto; the Words "Poor Law," or "Laws for the Relief of the Poor," shall be construed to include every Act of Parliament for the Time being in force for the Relief or Management of the Poor, or relating to the Execution of the same, or the Administration of such Relief; the Words "Poor Rate" shall be construed to include any Rate, Rate in Aid, Mulct, Cess, Assessment, Collection, Levy, Ley, Subscription, or Contribution raised, assessed, imposed, levied, collected, or disbursed for the Relief of the Poor in any Parish or Union; that the Words "General Quarter Sessions" shall extend to and be construed to include General or Quarter Sessions, or Adjournment thereof for any County, Division of a County, Riding, Borough, Liberty, Division of a Liberty, Precinct, County of a City, City, County of a Town, Cinque Port, or Town Corporate, unless where otherwise provided by this Act; the Word "Union" shall be construed to include any Number of Parishes united for any Purpose whatever under the Provisions of this Act, or incorporated under the said Act made and passed in the Twenty-second Year of His late Majesty King *George* the Third, intituled *An Act for the better Relief and Employment of the Poor*, or incorporated for the Relief or Maintenance of the Poor under any Local Act; the Words "united Workhouse" shall be construed to mean and include any Workhouse of a Union; the Word "Vestry" shall be construed to mean any open, customary, or Select Vestry, or any Meeting of Inhabitants convened by any Notice such as would have been required for the assembling of a Meeting in Vestry, at which Meeting any Business relating to the Poor or the Poor Rate shall be transacted or taken into consideration, so far as such Business is concerned; the Word "Workhouse" shall be construed to include any House in which the Poor of any Parish or Union shall be lodged and maintained, or any House or Building purchased, erected, hired, or used at the Expence of the Poor Rate, by any Parish, Vestry, Guardian, or Overseer, for the Reception, Employment, Classification, or Relief of any poor Person therein at the Expence of such Parish; and wherever in this Act, in describing any Person or Party, Matter or Thing, the Word importing the Singular Number or the Masculine Gender only is used, the same shall be understood to include and shall be applied to several Persons or Parties as well as one Person or Party, and Females as well as Males, and several Matters or Things as well as one Matter or Thing, respectively, unless there be something in the Subject or Context repugnant to such Construction. 22 G. 3. c. 83.

CX. And be it further enacted, That this Act may be altered, amended or repealed in this present Session of Parliament. Act may be amended this Session.

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ANNO QUARTO & QUINTO

GULIELMI IV. REGIS.

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6 G. 4. c. 37. Bottles: And whereas by an Act passed in the Sixth Year of the Reign of His late Majesty King *George* the Fourth, to provide for the future Assimilation of the Duties of Excise upon Sweets or Made Wines, upon Mead or Metheglin, upon Cyder and Perry, in *Great Britain* and *Ireland*, and to continue the Duty of Excise on Sweets or Made Wines in *Great Britain* until the Fifth Day of *January* One thousand eight hundred and twenty-six, certain Duties of Excise were granted and imposed on all Liquor which should be made in any Part of the United Kingdom of *Great Britain* and *Ireland* for Sale, by Infusion, Fermentation, or otherwise, from Fruit or Sugar, or from Fruit and Sugar mixed with other Ingredients or Materials whatsoever, commonly called Sweets or Made Wines, and on Mead and Metheglin made in any Part of the United Kingdom of *Great Britain* and *Ire-*
43 G. 3. c. 69. *land*: And whereas by the said Act passed in the Forty-third Year of the Reign of His Majesty King *George* the Third, for repealing the Duties of Excise payable in *Great Britain*, and granting other Duties in lieu thereof, certain Duties of Excise were granted and imposed on Scaleboard made in *Great Britain*, and certain Drawbacks were
5 G. 4. c. 55. made payable on the Exportation of Scaleboard; and by an Act passed in the Fifth Year of the Reign of His late Majesty King *George* the Fourth, to assimilate the Duties and Drawbacks on Hides, Skins, Leather, Parchment, Paper and Paper-hangings, manufactured in *Ireland*, to the Duties and Drawbacks payable in *Great Britain*, and to equalize the Measures and Weights whereby the Duties of Excise and Customs should be payable throughout the United Kingdom, the like Duties and Drawbacks were granted and imposed and made payable on Scaleboard made in *Ireland*, and on the Exportation of
6 G. 4. c. 81. Scaleboard: And whereas by an Act passed in the Sixth Year of the Reign of His late Majesty King *George* the Fourth, for repealing the several Duties payable on Excise Licences in *Great Britain* and *Ireland*, and imposing other Duties in lieu thereof, and for amending the Laws for granting Excise Licences, certain Duties of Excise were imposed on Licences thereby required to be taken out by Makers of Starch, Sweets, and Scaleboard: And whereas it is expedient that all the said Duties, Drawbacks, and Allowances on Starch, and the said Duties and Drawbacks on Stone Bottles, and the said Duties on Sweets or Made Wines, and on Mead or Metheglin, and the Duties and Drawbacks on Scaleboard made from Wood, should cease and determine; be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Tenth Day of *October* One thousand eight hundred and thirty-four all and singular the Duties and Allowances of Excise now payable on Starch made in *Great Britain*, and all Duties on Licences required to be taken out by any Maker of Starch in *Great Britain* and *Ireland*, and all Drawbacks of Excise on Starch exported to Foreign Parts or removed from *Great Britain* into *Ireland*, shall be repealed, cease, and determine, and be no longer paid or payable: Provided always, that any of the said Duties which shall have been charged or been incurred, or any Arrear thereof, and any Fine, Penalty, or Forfeiture which shall have been incurred before the said Tenth Day of *October* One thousand eight hundred and thirty-four, and all Allowances on any Starch which shall have been

From 10 Oct. 1834, Duties, Allowances, and Drawbacks on Starch to cease and determine.

Proviso for Arrears.

 employed

employed or consumed on or before the said Tenth Day of *October* One thousand eight hundred and thirty-four in preparing or finishing any Manufacture from Flax or Cotton for Sale, or in finishing new Linen in the Piece for Sale, and the Payment of any Drawback which shall be payable in respect of the Exportation or Removal of any Starch on or before the said Tenth Day of *October* One thousand eight hundred and thirty-four, shall and may be sued for, levied, recovered, and paid, as if this Act had not been passed.

Regulations for removing Starch from Ireland until 10th April 1835.

II. And for preventing Injury to the Revenue by Persons removing large Quantities of Starch to *Ireland* on Drawback, and bringing back the same to *Great Britain* after the Duties on Starch shall cease and determine; be it further enacted, That from and after the said Tenth Day of *October* One thousand eight hundred and thirty-four until the Tenth Day of *April* One thousand eight hundred and thirty-five all Starch which shall be removed from *Ireland* into *Great Britain* shall be accompanied by a Certificate, granted and signed by the Maker thereof, which Certificate shall set forth and specify the Quantity and Description of the Starch and the Packages in which the same shall be contained, and that the said Starch was *bonâ fide* made in *Ireland* by such Maker at his Starch Manufactory, the Situation whereof shall also be stated, and the Person accompanying such Starch on the Removal thereof, or to whom the same shall be consigned in *Great Britain*, or his Agent, at the Port of Arrival, shall produce such Certificate to the proper Officers of Customs and Excise at such Port, and shall also make and sign a Declaration on such Certificate that to the best of his Knowledge and Belief the Starch therein specified was really made in *Ireland* and is not nor is any Part of it *British* Starch which had been removed to *Ireland* on Drawback; and if before the said Tenth Day of *April* One thousand eight hundred and thirty-five any Starch shall be found on board any Vessel in *Ireland* for Removal to *Great Britain*, or shall be brought into any Port or Place in *Great Britain*, unaccompanied by such Certificate, or if on Arrival of the same in *Great Britain* the Person accompanying the same, or the Consignee thereof, or his Agent, shall not deliver such Certificate, or shall not make such Declaration as aforesaid, all such Starch shall be forfeited; and if any Maker of Starch in *Ireland* shall give any false Certificate, or if any Person shall forge or counterfeit any such Certificate, or shall make any false Declaration, every Maker or Person so offending shall forfeit One hundred Pounds, and all Starch in respect of which any such false Certificate shall be produced, or Declaration be made, shall be forfeited.

Persons claiming Allowances of Duties on Starch used in Manufactures to make Oath that the Starch was used before 10th October 1834.

III. And be it further enacted, That every Person who shall be entitled to any Allowance of the Duties on Starch used, employed, or consumed in *Great Britain* in the preparing and finishing any Manufactures from Flax or Cotton for Sale, or in whitening new Linen in the Piece for Sale, shall, in addition to the other Particulars by Law required on claiming such Allowance, make Oath or solemn Affirmation that all the Starch in respect of which such Allowance shall be claimed was really and truly used and consumed on or before the said Tenth Day of *October* One thousand eight hundred and thirty-four, and that to the best of his Knowledge and Belief the full Duties of Excise payable

payable on or before the said Tenth Day of *October* One thousand eight hundred and thirty-four had been charged and paid on the said Starch, and no such Allowance shall be admitted or paid in respect of which such Oath or Affirmation shall not be made; and every Person swearing or affirming falsely shall be subject and liable to the Pains and Penalties of Perjury.

Starch not intended to be sent into Consumption until after 10th October 1834 may be made and stored Duty-free.

IV. And whereas it is expedient that Provision should be made for allowing the Makers of Starch to make, Duty-free, before the Tenth Day of *October* One thousand eight hundred and thirty-four, Starch not to be sold or consumed (except as herein-after is provided with respect to Makers of Stone Blue) until after the said Tenth Day of *October*, when the said Duties are to cease and determine; be it therefore enacted, That every Maker of Starch who shall intend to make or store any Starch Duty-free, not to be sold or sent into Consumption (except as aforesaid) until after the said Tenth Day of *October* One thousand eight hundred and thirty-four, shall give Notice in Writing of such his Intention to the Officer of Excise before storing any Starch, and in such Notice shall specify some separate and secure Room, Cellar, or Store, to be approved of by the Commissioners of Excise or their Officers, for the keeping therein of all such Starch as shall be stored Duty-free; and such Maker may, when giving Notice for the Removal from the Stove of any Starch which may be in the Stove at the passing of this Act, give Notice in Writing to the proper Officer, specifying in such Notice how much of such Starch is to be taken out for immediate Consumption and Payment of Duty and how much thereof is to be stored Duty-free, and the Officer of Excise having received such Notice shall attend and take an Account of the Quantity so specified as to be Duty-paid, and charge the Duty on the same in the ordinary and usual Manner, and such Officer shall also take an Account by counting the Pieces or weighing, or by both counting and weighing, of the Quantity of Starch specified in the Notice as to be stored Duty-free; and such Officer having taken such Account shall forthwith cancel or obliterate in such Manner as the Commissioners of Excise shall direct all the Stamps on the several and respective Pieces of Starch so intended to be stored Duty-free; and such Account having been taken, and the said Stamps having been so cancelled or obliterated, all such Starch shall be forthwith deposited and stored in the separate Room, Cellar, or Store approved by the Commissioners of Excise or their Officers, under the Locks and Keys of the Officers of Excise, and otherwise secured in such Manner as the Commissioners of Excise shall direct; and as often as any other Starch shall be made the Maker thereof shall, when giving Notice of his Intention to paper the same, likewise give Notice in Writing to the proper Officer of Excise of how much of such Starch is intended for immediate Consumption and to be charged with Duty, and how much thereof is to be stored Duty-free, and the Officer of Excise attending to see such Starch papered shall stamp so much thereof as shall be intended according to such Notice for immediate Consumption and to be Duty-paid, and shall omit to stamp the Residue thereof which shall be intended to be stored Duty-free; and the Starch so stamped shall be taken account of and charged with Duty in the usual and ordinary Manner, and the Starch not stamped shall be taken account of in the

Manner

Manner herein-before provided, and shall, when so taken account of, be in like Manner deposited and stored, and so from Time to Time as any Starch shall be made and be intended to be stored Duty-free; and all Starch so stored without Payment of Duty shall be kept so stored and secured, and shall not be sold or sent into Consumption, or any Part thereof be removed or delivered to the Maker thereof, until the Eleventh Day of *October* One thousand eight hundred and thirty-four (except as herein-after provided with respect to Makers of Stone Blue); and on the Tenth Day of *October* One thousand eight hundred and thirty-four the Officers of Excise shall take an Account of all the said Starch which shall have been so stored and secured Duty-free as aforesaid; and if upon such Account the whole Quantity of Starch shall be found in the Stock of the Maker who shall have made the same stored and secured as aforesaid, and the Officers of Excise shall be satisfied that it is the same Starch which was made and stored Duty-free, and that no Part thereof has been sent into Consumption (except to a Maker of Stone Blue as herein-after provided), nor any Addition been made thereto or Alteration therein, all the said Starch shall be delivered Duty-free to the Maker thereof.

If any Starch stored Duty-free shall be sent into Consumption prior to 10th October 1834 (except to a Maker of Stone Blue), or the Regulations shall not be complied with, the Maker to be charged and pay Duty on all the Starch made by him.

V. And be it enacted, That if any Starch which shall be so stored under the Regulations aforesaid as not to be sent into Consumption until after the said Tenth Day of *October* One thousand eight hundred and thirty-four shall not at any Time previous thereto be so stored and secured in such separate and secure Room, Cellar, or Store as aforesaid, or if any such Maker of Starch shall open or procure to be opened any such Room, Cellar, or Store, or injure any of the Locks or Fastenings thereof, or remove or cause or procure to be removed any Starch from or out of the same, or shall sell or send out any such Starch so stored Duty-free (except to a Maker of Stone Blue as herein-after provided), that is to say, on the said Tenth Day of *October* One thousand eight hundred and thirty-four, or at any Time previous thereto, the Officers of Excise shall not find all such Starch so stored and secured and unaltered (except by any Quantity sent out to a Maker of Stone Blue as aforesaid), or if any such Maker of Starch shall use or practise any Art or Device to deceive any Officer of Excise in taking an Account of such Starch, or to remove any such Starch, or to evade any Part of the Duties on Starch with which previous to the said Tenth Day of *October* he might or would be chargeable, then the Commissioners of Excise are hereby authorized and required to demand and collect the Duties of Excise (according to any Account which they may have of the same) on all the Starch made by such Maker of Starch previous to the said Tenth Day of *October* One thousand eight hundred and thirty-four, and the said Makers shall be liable to the Payment of all such Duties; and the same shall and may in default of Payment be levied, collected, and enforced under the Laws, Provisions, and Regulations, Penalties, and Forfeitures now in force for collecting and securing the Duties of Excise.

To allow Makers of Stone Blue to receive Starch Duty-free be-

VI. And whereas by the Laws now in force Makers of Stone Blue are compelled to use Starch in the Manufacture of Stone Blue, and it is therefore expedient to allow such Makers to obtain Starch for the making of Stone Blue Duty-free before the said Tenth Day of *October*

fore 10th Oct. 1834.

One thousand eight hundred and thirty-four; be it therefore enacted, That every Maker of Stone Blue who shall be desirous of receiving Starch Duty-free shall enter into a Bond to His Majesty in the Penalty of Three hundred Pounds, conditioned that all such Starch so to be received by him shall be used and consumed in the making of Stone Blue, and shall not be sold or disposed of or used in any other Manner; and it shall be lawful for any Maker of Starch who shall have stored any Starch Duty-free as aforesaid to give Notice in Writing to the Officer of Excise that he is desirous of delivering a Quantity of Starch to a Maker of Stone Blue, describing in such Notice the Name and Manufactory of such Maker of such Stone Blue, and the Quantity of Starch to be delivered; and the Officer of Excise to whom such Notice shall be delivered, being satisfied that the Maker of Stone Blue therein named has given such Bond as aforesaid, shall attend at the Store, and having stamped the several Pieces of Starch specified in such Notice shall deliver out the same, and the Maker of Starch at whose Request such Starch shall have been delivered out shall produce to the Officer of Excise under whose Survey he shall be the Receipt of the Maker of Stone Blue; and in case all the Starch so delivered and received shall not be used and consumed in the Manufacture of Stone Blue the Bond of such Maker of Stone Blue shall be put in Suit, unless the Commissioners of Excise shall see Cause to forbear and to forego Proceedings thereon.

Laws relating to Makers of Stone Blue and Hair Powder repealed.

VII. And be it further enacted, That from and after the passing of this Act all the Laws, Enactments, Provisions, Rules, and Regulations of Excise relating to Stone Blue or of Hair Powder shall, except as to any Penalty or Forfeiture incurred before the passing of this Act, be and the same are hereby repealed.

Duties and Drawbacks on Stone Bottles to cease.

VIII. And be it further enacted, That from and after the passing of this Act all the Duties and Drawbacks of Excise on Stone Bottles shall cease and determine and be no longer paid or payable, save and except as to any Arrear of the said Duties which shall become due, or any Penalty or Forfeiture in respect thereof which shall have been incurred, or the Payment of any Drawback which shall become payable in respect of any Stone Bottles exported before the passing of this Act.

Duties and Drawbacks on Sweets, Mead or Metheglin and Scaleboard made from Wood, repealed.

IX. And be it further enacted, That from and after the Tenth Day of *October* One thousand eight hundred and thirty-four all the Duties and Drawbacks of Excise on Sweets or Made Wines, and on Mead or Metheglin, and on Scaleboard made from Wood, and all Duties upon Licences required to be taken out by any Maker of Sweets or Made Wines, Metheglin or Mead, or of Scaleboard made from Wood, and all Drawbacks of Excise on any of the said Commodities, shall be repealed, cease, and determine, and be no longer paid or payable, save and except as to any Arrear of the said Duties, or any or either of them, which shall have become due, or any Penalty or Forfeiture in respect of any or either of the said Duties respectively which shall have been incurred, before the said Tenth Day of *October* One thousand eight hundred and thirty-four, or the Payment of any Drawback which shall become payable in respect of any of the said Commodities removed or

exported before the said Tenth Day of *October* One thousand eight hundred and thirty-four.

Licences on Retailers of Sweets not to be affected.

X. Provided always, That nothing herein contained shall extend or be deemed or construed to extend to repeal or affect any Duty on Licences to be taken out by Retailers of Sweets or Made Wines or Mead or Metheglin, but all such Licences shall continue to be taken out in the same Manner as if this Act had not been passed.

Persons selling Sweets or Metheglin in any less Quantity than 15 Gallons to be deemed Retailers.

XI. And for declaring who shall be deemed a Retailer of Sweets after the said Tenth Day of *October* One thousand eight hundred and thirty-four, when the said Duties on Sweets are to cease and determine, be it further enacted, That every Person who shall sell or send out any Liquor made by Infusion, Fermentation, or otherwise, from Fruit or Sugar, or from Fruit or Sugar mixed with other Materials, commonly called Sweets or Made Wines, or any Mead or Metheglin, in any less Quantity than in a whole Cask containing Fifteen Gallons, shall be deemed and taken to be a Retailer of Sweets, and shall take out a Licence accordingly.

Act may be altered this Session.

XII. And be it further enacted, That this Act may be amended, repealed, or altered by any Act or Acts to be passed in this present Session of Parliament.

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ANNO QUARTO & QUINTO

GULIELMI IV. REGIS.

****

CAP. LXXVIII.

An Act for the Amendment of the Proceedings and Practice of the High Court of Chancery in *Ireland*. [14th *August* 1834.]

WHEREAS it is expedient that the Laws relating to entering Appearances and taking Bills *pro confesso* in the High Court of Chancery in *Ireland* should be amended, and that the Costs and Expences of Proceedings in the said Court should be diminished, and that increased Facilities should be afforded for the Dispatch of Business therein: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That where any Defendant to any Suit instituted in the said Court shall be duly served in *Ireland* with Process of Subpœna to appear and answer in such Suit, and shall refuse or neglect to appear thereto, an Appearance shall and may, after the Expiration of Eight Days, exclusive of *Sundays* and Holidays, from the due Service of such Subpœna, be entered for such Defendant, at the Instance of the Plaintiff, in such Manner and Form as the Court, by any General Order or Orders to be made in pursuance of this Act, shall direct; and that thereupon such further Proceedings may be had in the Cause as if the Defendant had actually appeared.

If a Defendant has been served with Process, and neglects to appear after 8 Days, an Appearance may be entered and Proceedings had.

II. And whereas it is expedient, for the further diminishing the Expence of Suits in the said Court, that an Alteration should be made in the Practice of the said Court by abolishing Petitions as herein-after provided; be it therefore enacted, That from and after the

Rule Books of the Court to be open upon all Days except Sundays and Holidays.

the Commencement of this Act the Rule Books of the said Court shall be deemed open in the Registrar's Office of the said Court upon all Days of the Year except *Sundays* and Holidays, and accordingly that all Side Bar Rules and Rules of Course shall be entered in the said Rule Books upon all Days of the Year, except *Sundays* and Holidays, without Petition, in like Manner as the same are now respectively entered in the said Books during the Sittings of the Court, or in such Form and Manner as the said Court by any General Order or Orders to be made in pursuance of this Act shall direct.

Motion Books to be open during the Sitting of the Court; and Orders may be made without Petition.

III. And be it further enacted, That from and after the Commencement of this Act the Motion Books of the said Court shall be deemed open in the Registrar's Office of the said Court during the Sittings of the Court, and accordingly that all Orders to be made in open Court in Causes, including Motions to vacate Recognizances, or in Causes and Matters, shall henceforth during the Sitting of the Court be made and entered without Petition, except in such Cases as from their Nature or by Statutory Enactments require a Petition to be preferred, or unless the Court shall, for special Reason in any particular Case, require a Petition to be preferred.

Decrees and Orders of the Court.

IV. And be it further enacted, That any Person shall be at liberty to take an Office Copy of so much only of any Decree, Order, Report, or Exceptions as he may require, and that, unless the Court shall otherwise specially direct, no Recitals shall be introduced in any Decree or Order of the said Court, but the Pleadings, Petition, Notice, Report, Evidences, Affidavits, Exhibits, or other Matters or Documents on which such Decrees or Orders shall be founded shall merely be referred to; and it shall be lawful for the Lord Chancellor, if he shall think fit, with the Advice and Assistance of the Master of the Rolls, to make and issue such Rules and Regulations as to the Form of such Decrees and Orders as he may deem necessary or proper for the proper drawing up of such Decrees and Orders, and carrying into effect the Provisions of this Act in regard thereto.

Sales or Mortgages under Decrees or Orders of the Court.

V. And be it further enacted, That where any Decree or Order of the said Court shall direct any Sale, Mortgage, or other Dispositions of Lands, or any other Property whatsoever, to be had before any Master, or any other Officer of the said Court, it shall and may be lawful for such Master or other Officer of the said Court to proceed and sell, and such Master and other Officer is hereby required to proceed and sell, in pursuance of such Decree or Order, the Subject Matter thereby directed to be sold, upon Production of the attested Copy of such Decree or Order signed by the Register, and without in any way requiring an Enrolment or Exemplification of such Decree or Order to be produced to warrant the Sale, Mortgage, or other Disposition by the Decree or Order directed.

Service of an attested Copy of a Decree to be sufficient to warrant Attachment.

VI. And be it further enacted, That in all Cases the Service of an attested Copy of any Decree or Order of the said Court shall be a sufficient Service thereof to warrant an Attachment and all subsequent Proceedings for not complying with such Decree or Order; and that it shall and may be lawful for the Court to proceed by Attachment or otherwise as it shall deem proper, upon the Service of such attested Copy, without requiring an Exemplification of such

Decree

Decree or Order to be served as a Warrant for any Attachment or subsequent Proceeding for not complying with such Decree or Order.

The Court may appoint a Receiver of Estates of Minors.

VII. And be it further enacted, That the Court may, on Petition, appoint a Receiver of the Real and Personal Estate of a Minor or Minors without a Bill being filed for that Purpose; and that in all Cases in which a Receiver shall be appointed on Petition, it shall and may be lawful for the Court to make all such Orders as may be necessary from Time to Time for the Recovery of the Rents or for the setting of the Lands and Premises over which such Receiver shall be appointed, as fully and effectually as if such Receiver had been appointed under a Bill filed.

If any Person neglects to execute any Deed or Transfer, the Court may order a Master in Ordinary to execute the same.

VIII. And be it further enacted, That when any Person who has been or shall be directed by any Decree or Order of the said Court to execute any Deed or other Instrument, or make a Surrender or Transfer, or to levy a Fine, or suffer a Recovery, if it shall appear upon Affidavit or Affidavits to be made to the Satisfaction of the Court that such Person refuses, declines, or neglects to execute same, it shall and may be lawful for the Court, after the Expiration of Ten Days from the Service of the Decree or Order personally, and Tender of such Deed or Instrument for Execution, to make an Order, upon Motion in open Court, that one of the Masters in Ordinary of the said Court shall execute such Deed or other Instrument, or make such Surrender or Transfer, or levy such Fine, or suffer such Recovery, in the Name of such Person, and do all Acts necessary to give Validity and Operation to such Fine and Recovery, and to lead or declare the Uses thereof; and the Execution of the said Deed or other Instrument, or the Surrender or Transfer, made by the said Master, and the Fine or Recovery levied or suffered by him, shall in all respects have the same Force and Validity as if the same had been made or executed, levied or suffered by the Party himself.

The Deputy Keeper of the Rolls or Clerk of Inrolments may administer Oaths and take Affirmations.

IX. And be it further enacted, That from and after the Commencement of this Act it shall and may be lawful for the Deputy Keeper of the Rolls for the Time being, and also for the Clerk of the Inrolments for the Time being, and the Persons who shall hereafter be appointed from Time to Time to the said Offices respectively, and they are hereby respectively fully authorized, empowered, and required, to administer the Oaths, and take the Affirmations and Attestations of Honour, which may be required by the Practice of the said Court, to all Pleadings to be filed or lodged in the Rolls Office of the said Court, and also to administer the proper and necessary Oaths and Affirmations to the Returns of all Commissions to take such Pleadings, in like Manner and to the like Extent as the Masters in Ordinary of the said Court, and the several Clerks and Examiners of the said Masters, are now authorized to administer the same, any thing contained in an Act passed in the Sixth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to amend an Act of the Fourth Year of His present Majesty's Reign, for the better Administration of Justice in the Court of Chancery in* Ireland, to the contrary notwithstanding; and that the said Masters in Ordinary, and their Clerks or Examiners, shall no longer administer the said Oaths or take the said Affirmations or Attestations

6 G. 4. c. 30.

Masters in Ordinary and their Clerks not to administer Oaths.

tations of Honour, without Prejudice to their Rights and Jurisdictions to administer Oaths and take Affirmations and Attestations of Honour to all Documents or Proceedings not herein specified: Provided always, that the Deputy Keeper of the Rolls, or Clerk of the Inrolments in the Absence of the Deputy Keeper of the Rolls, shall not be required, except under special Order of the Court, to go out of his Office to administer the said Oaths or take the said Affirmations or Attestations of Honour pursuant to this Act; and provided also, that whenever either of the said Officers shall be required by any Order of the Court to attend out of the said Office for the Purposes aforesaid, the Charge for every such Attendance of the Deputy Keeper of the Rolls or Clerk of the Inrolments, as the Case may be, together with the Rate of his travelling Expences, if any, shall be expressed in such Order of the Court; and that it shall and may be lawful for the said Deputy Keeper of the Rolls or the Clerk of the Inrolments respectively to receive such Sum for his Attendance, and also such Rate of travelling Expences, as shall be expressed in such Order of the Court, and no other or greater Sum.

Proviso for the Deputy Keeper of the Rolls and Clerk of the Inrolments.

X. And be it further enacted, That all Persons swearing to, affirming, or attesting the said Documents or any of them before the said Deputy Keeper of the Rolls, or before the said Clerk of the Inrolments, as the Case may be, shall be liable to all such Penalties, Punishments, and Consequences for any wilful and corrupt false Swearing or Perjury contained therein, as if the same had been sworn, affirmed, or attested before the said Court of Chancery, or all or any of the Masters in Ordinary thereof.

Persons swearing before Deputy Keeper or Clerk of Inrolments to be subject to Penalties for Perjury.

XI. And be it further enacted, That all and every the Stamp Duties imposed and enacted by the Act made in the Fourth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to grant additional Stamp Duties on certain Proceedings in the Court of Chancery and in the Equity Side of the Court of Exchequer in* Ireland, and the Schedule thereto annexed, shall continue and be collected and enforced as to the said Documents and every of them as fully and effectually as if the said last-mentioned Act were re-enacted and expressly applied to the said Documents and each of them when transacted as Part of the Business of the Deputy Keeper of the Rolls, or Clerk of the Inrolments, as the Case may be.

Stamp Duties imposed by 4 G. 4. c. 70. to continue to be collected.

XII. And be it further enacted, That the said Masters in Ordinary of the said Court shall have Authority to hear and determine and make Orders upon all such Matters relating to the Conduct of Suits in their respective Offices as the Lord Chancellor with the Advice and Assistance of the Master of the Rolls, by any General Order or Orders, shall direct; and that it shall and may be lawful for the said Masters to order and direct that the Costs of all or any of the Parties upon any Proceedings before them shall be Costs in the Cause or Matter, or to be forthwith paid by and to such Person or Persons as they shall deem just, or to award such liquidated Sum by way of Costs to any of the Parties as they shall think reasonable, and to be paid by such Person or Persons or out of such Fund as they shall deem just; and the said Master shall cause all such Orders to be drawn up in a short Form, and when signed shall cause the same to be entered in Books to be kept for that Purpose exclusively

Masters in Ordinary empowered to hear Matters relating to the Conduct of Suits, and to direct the Payment of Costs.

in their respective Offices; and all such Orders, if not reversed or varied, shall be as binding as an Order of the Court itself, and the Costs awarded thereby shall be recovered in like Manner as Costs directed to be paid by the Court itself.

Depositions.

XIII. And be it further enacted, That henceforth all Depositions of Witnesses examined in the said Court shall be taken in the First Person, and in no other Form; and that it shall and may be lawful for the Lord Chancellor, by and with the Advice and Assistance of the Master of the Rolls, to make and issue such General Orders as he shall think fit for abolishing or altering any Writ or Writs of Process, or any Pleading or Course of Proceeding in Suits now pending or hereafter to be commenced in the said Court; and that it shall and may be lawful for the Lord Chancellor, with the Advice and Assistance of the Master of the Rolls, and he is hereby required, forthwith to make and issue such General Orders as he shall think fit for carrying the Provisions of this Act into execution; and also such other Rules and Orders, not being inconsistent with the Enactments and Provisions of this Act, as he, with the Advice and Assistance of the Master of the Rolls, shall think fit and proper for simplifying, establishing, and settling the Course of Practice of the said Court and of its several Offices.

General Orders.

General Orders may be varied.

XIV. And be it further enacted, That the Lord Chancellor, by and with the Advice and Assistance of the Master of the Rolls, shall be and he is hereby authorized and empowered, by any General Order or Orders to be made and issued by him from Time to Time, to annul, alter, or vary any General Order or Orders which may have been so as aforesaid made and issued, and to make any new General Order or Orders for the Purposes herein-before mentioned, or any of them.

Hours of Business in the several Offices.

XV. And be it further enacted, That the several Offices of the said Court of Chancery shall be and continue open for the Dispatch of Business upon such Days of the Year and during such Hours in the Day, and that the Officers and Clerks belonging thereto respectively shall attend in such Offices in the Discharge of their several Duties during such Times and for such Number of Hours in each Day, as the Lord Chancellor, with the Advice and Assistance of the Master of the Rolls, shall by any General Order or Orders to be issued from Time to Time direct; and that the Officers and Clerks in the said respective Offices shall give their personal Attendance in their respective Offices in the Discharge of their official Duties during the Times they shall so as aforesaid be directed to attend, unless otherwise engaged in the Business of their respective Offices, or unless prevented by Sickness or other unavoidable Cause: Provided always, that where any Office can be legally executed by Deputy, nothing herein contained, or in any Order to be made in pursuance thereof, shall be construed to compel the Principal to attend in Person.

Masters in Ordinary to report certain Particulars annually to the Lord Chancellor.

XVI. And be it further enacted, That each of the said Masters in Ordinary of the High Court of Chancery shall, within the first Four Days of *Michaelmas* Term in each and every Year, present or cause to be presented to the Lord Chancellor a Report in Writing, under the Hand of such Master, stating the Days on which he shall have attended

attended at his Office, for and during Twelve Months preceding such Return, in the Performance of his Duty, specifying the Number of Hours occupied in each of such Day's Attendance as aforesaid, and further, that each such Master shall annex to such his Report a List or Schedule, to be signed by him in like Manner, of the several Causes, Petitions, or Matters of every Description then pending in his Office, showing the then State and Stage of the same respectively, designating each Cause, Petition, or Matter by the Name or Names of the Party or Parties thereto, or some of them, with the Name or Names of each Solicitor engaged therein, and also the State of the Account of each Receiver, Committee of a Lunatic, or Guardian of an Infant, whose Accounts are passed in his Office, and the Balance (if any) remaining in the Hands of such Receivers, Committees, and Guardians respectively; and thereupon it shall be lawful for the said Lord Chancellor to make and issue such Order for filing or depositing and otherwise giving Publicity and Access to such List or Schedule as he in his Discretion shall think fit.

Persons not compelled to pay for the entire Copy of a Paper when requiring only a Portion of it.

XVII. And be it further enacted, That no Person shall be compelled or required to take or pay for any Copy of any Paper or Document being in any Office of the said Court; and that every Person shall be at liberty to take out and pay for only so much or such Part of any Paper or Document being in any Office of the said Court as such Person may require, without being in any Case compelled to take out or pay for the Entire of the Paper or Document being in the Office.

Powers given to the Lord Chancellor may be exercised by the Lord Keeper.

XVIII. And be it further enacted, That the Powers and Authorities given by this Act to the Lord High Chancellor of *Ireland* shall and may be exercised in like Manner and are hereby given to the Lord Keeper or Lords Commissioners for the Custody of the Great Seal of *Ireland* respectively for the Time being.

24 G. 3. (I.)

XIX. And whereas by an Act passed in the Parliament of *Ireland*, in the Twenty-third and Twenty-fourth Years of the Reign of His late Majesty King *George* the Third, intituled *An Act for the better securing the Monies and Effects of the Suitors of the Court of Chancery and the Court of Exchequer by depositing the same in the National Bank, and to prevent the forging and counterfeiting any Draft, Order, or other Voucher for the Payment or Delivery of such Money or Effects, or other Purposes*, it was enacted, that all the Monies and Cash that shall be paid into and deposited in the said Bank on account of the Suitors of the said Court of Chancery, or by Order of the said Court, shall be accounted and taken to be One common or general Fund, and to be issued and payable as the Court of Chancery shall direct: And whereas from many Years Experience it hath been found that there always hath been a very large Sum of Money belonging to the Suitors of the Court of Chancery in *Ireland* lying in the said Bank unproductive to the Suitors of the said Court: And whereas it is expedient that a Part of the said Money belonging to the Suitors of the said Court should be rendered productive for the Purposes herein-after mentioned; be it therefore

Part of the Suitors Fund to be set apart for a

enacted, That out of the Cash belonging to the Suitors of the said Court of Chancery which now lies in the Bank of *Ireland* unproductive to the Suitors a Sum of Two hundred thousand

Pounds shall and may, by any Order or Orders of the said Court, be invested in One entire Sum, or in Parcels, in such Government or Parliamentary Securities as in and by such Order or Orders shall be directed, and be placed to an Account to be intituled "An Account of the Compensation and Fee Fund of the Suitors of the Court of Chancery in *Ireland*," to the Intent that the Interest and annual Profits arising from the Money so to be placed out as aforesaid may be applied for the Purposes herein-after mentioned; and it shall be lawful for the said Court, from Time to Time, by any Order or Orders to be made for the Purpose, to change the Security or Securities on which the said Money shall be invested. Compensation Fund.

XX. And be it further enacted, That the Interest and annual Produce arising from the Securities in which the said Sum of Two hundred thousand Pounds shall be invested shall from Time to Time be received by the Governor and Company of the Bank of *Ireland*, and placed to the Credit of the Accountant General of the said Court, in an Account to be opened and called "An Account of the Interest and Produce of the Compensation and Fee Fund of the Suitors of the Court of Chancery in *Ireland*;" the same to be issued and applied pursuant to the Directions of this Act. Produce of the Fund to be placed to the Account of the Accountant General in the Bank of Ireland.

XXI. And be it further enacted, That if at any Time the Whole or any Part of the said Sum of Two hundred thousand Pounds shall be wanted to answer any of the Demands of the Suitors of the said Court of Chancery, then and in such Case the Court may and shall direct the same or any Part thereof to be called in, or the Securities on which the same shall be placed to be disposed of, in order that the Suitors of the said Court may at all Times be paid their respective Demands out of the common and general Cash belonging to such Suitors. Court of Chancery may direct the same to be called in.

XXII. And be it further enacted, That the surplus Interest and Produce of the Monies carried to the said Account called "An Account of the Interest and Produce of the Compensation and Fee Fund of the Suitors of the Court of Chancery in *Ireland*," beyond what shall be sufficient to answer the Purposes of Compensation under this Act, and also the Interest produced from the Securities purchased with such surplus Interest and Produce, shall from Time to Time, by like Order or Orders of the said Court, be invested in the Purchase of Government or Parliamentary Securities, and carried to the Account called "An Account of the Interest and Produce of the Compensation and Fee Fund of the Suitors of the Court of Chancery in *Ireland*;" the same to constitute Part of said Fund to be issued and applied pursuant to and according to the Directions of this Act. Surplus of Interest to be invested in Government Securities.

XXIII. And whereas the Six Clerks of the said Court are entitled to sell their respective Offices, and all the present Six Clerks, save *John Brenan*, have purchased their said respective Offices for large Sums of Money, since the passing of an Act in the Fourth Year of the Reign of King *George* the Fourth, intituled *An Act for the better Administration of Justice in the Court of Chancery in* Ireland, and have paid into His Majesty's Exchequer in *Ireland*, to the Use of the Lords of the Treasury may make Compensation to Six Clerks and other Officers. 4 G. 4. c. 61.

the Public, One Fifth Part of the said Purchase Money: And whereas it is alleged that the Income and Emoluments of the respective Six Clerks, and of certain other Officers of the said Court, have been diminished in consequence of certain Orders, bearing Date the Thirty-first Day of *January* One thousand eight hundred and thirty-four, and will be further diminished by the Operations of this Act, and of the General Orders to be made in pursuance thereof, for which the said Six Clerks and other Officers claim to have Compensation made: And whereas it is reasonable and just that the Six Clerks of the said Court, being Purchasers of and entitled to sell at pleasure their respective Offices, should receive for any Diminution of annual Income, and also for any Depreciation of Purchase Value of their Offices, full and adequate Compensation; and also that such of the other Officers of the said Court as the Lord High Treasurer or the Commissioners of His Majesty's Treasury as herein-after provided shall think entitled thereto should also receive Compensation for lawful Fees and Emoluments diminished or taken away from the said Six Clerks and other Officers by the Operation of the said General Orders of the Thirty-first Day of *January* One thousand eight hundred and thirty-four, and of this Act, and any General Order or Orders to be made in pursuance thereof; be it therefore enacted, That it shall be lawful for the Lord High Treasurer or Commissioners of His Majesty's Treasury for the Time being, or any Three or more of them, by Warrant or Warrants under their Hands, to order and direct that such Compensation shall be made to the said Six Clerks respectively, and to such other Officers who now hold Office in or belonging to the said Court, and whose lawful Fees and Emoluments have been or shall be diminished by the Operation of the said Orders of the Thirty-first Day of *January* One thousand eight hundred and thirty-four, or by this Act, or any General Order or Orders to be made in pursuance thereof, as to the said Lord High Treasurer or the said Commissioners of His Majesty's Treasury in their Discretion shall seem just and reasonable: Provided always, that an Account or Accounts of all such Compensations shall, within Fourteen Days next after the same shall be so granted, be laid upon the Table of the House of Commons, if Parliament shall be then assembled, or if Parliament shall not be then assembled, then within Fourteen Days after the Meeting of Parliament then next following; and provided also, that such Warrant or Warrants for Compensation shall not be valid until after the Expiration of Three Weeks from the Time the Account or Accounts of Compensation shall be laid before Parliament.

Commissioners to settle Amount of Compensation.

XXIV. And whereas for the better enabling the Lord High Treasurer or the Commissioners of His Majesty's Treasury to form a correct Judgment of the Nature and Amount of the Compensations which it may be reasonable and proper to make to the Officers who shall claim Compensation for Fees and Emoluments taken away or diminished as aforesaid, be it enacted, That it shall be lawful for the Lord High Treasurer or the Commissioners of His Majesty's Treasury for the Time being, or any Three or more of them, if he or they shall think fit, to refer all and every the Accounts and Claims for Compensation to the Examination and Consideration of so many Persons to be Commissioners for carrying this Act into execution and effect as may to him or them appear fit and necessary, and every

every Three or more of the Commissioners to be so appointed shall be competent to act in the Execution thereof.

Lords of the Treasury and Commissioners to inquire into Fees.

XXV. And be it further enacted, That the Lord High Treasurer and the Commissioners of His Majesty's Treasury, or any Three or more of them, and also the Commissioners or any Three or more of them to be appointed under this Act, shall be authorized to inquire and examine as well into all Acts, Matters, and Things for which any Fee or Emolument has been received or claimed, and the Legality thereof, as well as the Amount of the Fees or Emoluments contained in any Account to be furnished under this Act, and of all Disbursements and Allowances made in respect of Business performed in the Offices respectively, and of all Charges affecting the same, and to require Proof to be made upon Oath, either personally or in Writing, of any Matter, and to examine any such Officer or other Person upon Oath as to any Matters into which the Lord High Treasurer or the said Commissioners may think proper or necessary to inquire, which Oath may be administered either by the Lord High Treasurer or the Commissioners of His Majesty's Treasury, or any Three or more of them, or by the Commissioners to be appointed under this Act, or any Three of them, or by a Judge or Master in Ordinary of the said Court; and also to cause the Production for his or their Inspection and Examination of all Books, Papers, and other Documents which he or they shall deem requisite for the Purposes of this Act; and also that it shall be lawful for him or them to consult the Lord Chancellor or the Master of the Rolls upon the Legality, Propriety, and Reasonableness of any Fees or Matters connected therewith; and the Lord Chancellor or Master of the Rolls shall and is hereby required to give his Advice and Opinion thereon, in Writing, as early as the same can reasonably be done.

Commissioners of Treasury may refer Accounts to Masters in Ordinary.

XXVI. And be it further enacted, That it shall be lawful for the Lord High Treasurer or any Three or more of the Commissioners of His Majesty's Treasury, if he or they shall deem it proper so to do, to refer all or any Accounts to be furnished under this Act to any One or more of the Masters in Ordinary of the said Court, who shall by all the Ways and Means herein-before provided inquire into and examine the same, and shall fairly settle and certify in Writing to the Lord High Treasurer or the Commissioners of His Majesty's Treasury the net and gross Amount of the Fees and Emoluments and the Disbursements of every Kind to which such Accounts relate.

Officers claiming Compensation to make a Return of the Profits of their Office.

XXVII. And be it further enacted, That every Officer of the said Court who shall claim Compensation under this Act shall within Three Calendar Months next after the Commencement of this Act make or cause to be made out and rendered to the Lord High Treasurer or the Commissioners of His Majesty's Treasury, or, if so required, to the Commissioners to be appointed under this Act, an Account in Writing of the gross and net Emoluments, and also of the Disbursements of his Office in each of the Three Years next preceding the First Day of *November* One thousand eight hundred and thirty-three, and also an Account of all lawful Fees, Salary, Compensation, Emoluments, or Allowances of whatever Nature as shall have been received during the said Three Years by the said

Officer, or for his Use, or which upon any Account or in any Way shall have become due in respect of such Office or the Duties thereof, and shall also set forth a Particular of the several and respective Acts, Matters, and Things in respect of which any Fee or Emolument shall have been received, charged, or claimed; and also a Particular of all Allowances and Disbursements made thereout, and Charges affecting the same, in each of the said Three Years, with such further Particulars of Receipt and Disbursements as the Lord High Treasurer or any Three or more of the Commissioners of His Majesty's Treasury or of the Commissioners to be appointed under this Act shall direct, the said Accounts to be verified on Oath, to be sworn before One of the Masters of the said Court, which Oath the said Master is hereby authorized and required to administer; and the Lord High Treasurer or the said Commissioners as aforesaid shall ascertain by all proper Ways and Means as aforesaid the gross and net annual Value, according to a fair Average of the said Three Years, of the said lawful Fees and Emoluments, and also the Disbursements of such Officer as aforesaid.

Officers may make an annual Return of the Profits of their Office.

XXVIII. And be it further enacted, That it shall be lawful for every Officer claiming Compensation as herein-before mentioned, on the First Day of *Hilary* Term One thousand eight hundred and thirty-six, and on every succeeding First Day of *Hilary* Term, and for One Month thereafter in each Year respectively, so long as the said Officer shall hold his Office, to make or cause to be made out, and render to the Lord High Treasurer or the Commissioners of His Majesty's Treasury, an Account in Writing, to be verified in like Manner, of the gross and net Emoluments of the said Office, and of the Disbursements thereof, in such Form and with such Particulars of Receipt and otherwise as the Lord High Treasurer or the Commissioners of His Majesty's Treasury, or any Three or more of them, shall require; and also an Account of all such lawful Fees, Salary, Compensation, Emoluments, and Allowances, of whatever Nature, as shall have been received by the said Officer, or for his Use, or which upon any Account or in any Way shall have become due in respect of such Office, or the Duty thereof, and the several and respective Acts, Matters, and Things in respect of which the same shall have been received or claimed, and a Particular of all Allowances and Disbursements made thereof, and Charges affecting the same, in and for the Year next preceding the First Day of *Hilary* Term in each succeeding Year, as herein-before required; and the Lord High Treasurer or the said Commissioners as aforesaid shall ascertain as they shall think proper the gross and net Income of such Office, and also the Disbursements thereof, for and during the Year for which such Account shall be rendered, and the Amount of Compensation to which he or they shall deem such Officer entitled for and during the said Year.

Officers swearing falsely to be guilty of Perjury.

XXIX. And be it further enacted, That every Officer and other Person who shall swear falsely to any Matters respecting which an Oath, either personally or in Writing, is hereby required or authorized to be made, and shall be convicted of so doing wilfully and corruptly, shall be deemed guilty of wilful and corrupt Perjury, and shall suffer the Pain and Penalty of that Offence.

XXX. And

Commissioners to certify Value of Offices to Lords of the Treasury.

XXX. And be it further enacted, That when the said Commissioners to be appointed under this Act shall have ascertained the gross and net Value of the Fees and Emoluments of such Offices and Employments, or any of them, computed as aforesaid, together with the Particulars of the Disbursements, Allowances, and Charges constituting the Difference between such gross and net annual Value, they shall from Time to Time certify the same under their Hands to the Lord High Treasurer or Commissioners of His Majesty's Treasury for the Time being, who shall lay Copies of the same, as also of all like Certificates made by the Lord High Treasurer or the Commissioners of the Treasury under this Act, before both Houses of Parliament.

If Fund not sufficient, the Remainder to be paid out of the Consolidated Fund.

XXXI. And be it further enacted, That the several and respective Sums as and for Compensation which the Lord High Treasurer or the Commissioners of His Majesty's Treasury shall, by Warrant or Warrants as aforesaid, order and direct to be paid to any Officer of the said Court shall be paid and payable to the Officer or Officers named in such Warrant or Warrants out of the Account called "An Account of the Interest and Produce of the Compensation and Fee Fund of the Suitors of the Court of Chancery in *Ireland*," as far as the same will extend; and in case the said Suitors Fund shall be inadequate to the Payment of the whole Amount of Compensation to be given under this Act, the Amount of the Compensations beyond what can be satisfied out of the said Suitors Fund shall be charged upon and paid out of the Consolidated Fund of the United Kingdom, without any Fee or Deduction whatsoever, to the Officer or Officers named in the Warrant or Warrants of the Lord High Treasurer or the Commissioners of His Majesty's Treasury as aforesaid.

Payments not to be liable to Usher's Poundage.

XXXII. And be it further enacted, That no Payment or Transfer of any Sum or Sums of Money to be made under or by virtue of this Act, or any of the Provisions thereof, shall be subject or liable to the Payment of Usher's Poundage; and provided also, that every Order to be made for the Transfer, Investment, or Payment of any Money under this Act or any of the Provisions thereof shall be free of and discharged from the Payment of any Fee whatsoever to any Officer of the said Court.

If Officer dies pending Inquiry his Executors to make Returns.

XXXIII. And be it further enacted, That in case any Officer of the said Court entitled to Compensation under this Act shall die or resign or be dismissed from his Office or Employment before the Termination of any Year, the Executors or Administrators of the Person so dying, or the Person himself so resigning or dismissed, shall render such Account as aforesaid for such Part of the Year during which the Person so dying or resigning or dismissed shall have held such Office or Employment, and shall be entitled to claim and receive such Sum proportioned to that Part of the Year during which such Person shall have held his said Office as the Lord High Treasurer or any Three of the Commissioners of His Majesty's Treasury for the Time being shall deem just and proper.

Six Clerks selling their Office may receive Com-

XXXIV. And whereas it is alleged that the Purchase Value of the Office of Six Clerk in the said Court will be diminished by the Operation

pensation for the Diminution of Value.

Operation of this Act and the General Orders to be made in pursuance thereof; be it therefore enacted, That if any Six Clerk shall after the Commencement of this Act sell his said Office, it shall be lawful for him at any Time within Six Calendar Months after such Sale to apply to the said Lord High Treasurer or the Commissioners of His Majesty's Treasury for Compensation for such Diminution of Value, and in such Case it shall and may be lawful for the Lord High Treasurer, or the Commissioners of His Majesty's Treasury, or such Commissioners as shall be appointed by them under this Act, to examine into such Application and Claim by all and every or such Means as herein-before provided as he or they shall think proper, and thereupon it shall be lawful for the said Lord High Treasurer and the Commissioners of His Majesty's Treasury, or any Three of them, to order and direct that such annual or other Compensation shall be made to the Six Clerks claiming the same as he or they in their Discretion shall upon full Inquiry deem just and reasonable; and all such Compensation, whether annual or in gross, shall be charged upon and paid and payable out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland* without any Fee or Deduction whatsoever.

Act not to prevent Dismissal of Officers.

XXXV. And be it further enacted, That nothing herein contained shall be construed to prevent any Person now holding any Office or Employment, or that shall hereafter hold any Office or Employment in the said Court, from being dismissed therefrom, as if this Act had not been made, or to give him any greater or other Interest in such Office or Employment than he might have lawfully claimed or exercised if this Act had not been made.

Officers hereafter appointed not to be entitled to Compensation.

XXXVI. And be it further enacted, That no Person who after the passing of this Act shall be appointed to any Office or Employment in or belonging to the said Court shall be deemed entitled to prefer any Claims for or to obtain any Compensation in respect of any Alteration of any Kind whatsoever which shall be made by lawful Authority in the Constitution, Process, Practice, Pleadings, or other Proceedings, or in the Constitution, Duties, or Emoluments, of any of the Offices or Employments in the said Court.

Commencement of Act.

XXXVII. And be it further enacted, That this Act, and the several Provisions therein contained, shall commence and take effect from the First Day of *Hilary* Term One thousand eight hundred and thirty-five.

Act may be altered this Session.

XXXVIII. And be it further enacted, That this Act may be amended, altered, or repealed by any Act or Acts to be passed in this present Session of Parliament.

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Assignees shall have produced sufficient to pay and discharge Three Fourths of the Amount of the Debts which shall have been established in such Court, or that Creditors to the Amount of more than One Half in Number and Value of the Debts which shall have been so established shall signify their Consent in Writing thereto, it shall be lawful for such Court to inquire into the Conduct of the said Insolvent, and if it shall appear to such Court that the said Insolvent has acted fairly and honestly towards his or her Creditors, such Court shall be fully authorized and empowered thereupon to order that the said Insolvent shall be for ever discharged from all Liability whatsoever for or in respect of such Debts so established as aforesaid, and such Court shall, in the Order to be drawn up, specify and set forth the Names of such Creditors; and after any such Order shall have been so made no further Proceedings shall be had in the Matter of the Petition before the Court, unless upon Appeal made to the Supreme Court of Judicature of the Presidency where such Court for the Relief of Insolvent Debtors shall be holden as thereby authorized; and it was by the said recited Act also provided, that no such Order as last aforesaid shall prevent any Creditor who shall not have been resident within the Limits of the Charter of the said United Company at any Time between the filing of such Petition and the making of such Order as last mentioned, and who shall not have taken Part in any of the Proceedings under the said Petition, from bringing any Suit or Action in the *East Indies* for the Purpose of obtaining Execution against the Goods, Estate, or Effects of such Insolvent for any unsatisfied Claim of such Creditor, nor from bringing any Suit or Action for such Claim in any Court of the United Kingdom of *Great Britain* and *Ireland*, or elsewhere without the Limits of the said United Company's Charter, against such Insolvent, in the same Manner and with the like Consequences and Effects as if such Order as last mentioned had not been made: And whereas it is expedient to extend and add to the Provisions of the said Acts, so as to give to Insolvent Debtors, being Traders, who shall have acted fairly and honestly towards their Creditors, an additional and more complete Discharge, and also to render more effectual the Means of obtaining such Discharge, and at the same Time to preserve to such Insolvent Debtors such Relief as is already afforded by the said recited Acts: And whereas under the Provisions of the Act passed in the First and Second Years of His present Majesty King *William* the Fourth, intituled *An Act to establish a Court in Bankruptcy*, a Fiat is issued in Bankruptcy in lieu of a Commission of Bankrupt in every Case where the Lord Chancellor, by virtue of any former Act had heretofore Power to issue a Commission of Bankrupt: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That any Person who now is or who shall hereafter become an Insolvent Debtor within the Intent and Meaning of the said Act of the Ninth Year of the Reign of His Majesty King *George* the Fourth, either upon Petition filed, or by Adjudication on an Act of Insolvency as therein provided, and who at

1 & 2 W. 4. c. 56.

Any Insolvent within the Meaning of the Act of 9 G. 4. may petition the Court for his Discharge after Three Months.

at the Time of such Petition being filed or Adjudication made as aforesaid shall have been or shall be a Person who, by an Act passed in the Sixth Year of the Reign of His late Majesty, intituled *An Act to amend the Laws relating to Bankrupts*, or by any Act hereafter to be passed, would be deemed a Trader liable to become Bankrupt, shall be at liberty, at any Time not earlier than Three Months from the making of such Assignment as in the said Act, intituled *An Act for the Relief of Insolvent Debtors in the* East Indies, directed, or from any such Adjudication of Insolvency as therein mentioned (as the Case may be), to apply by Petition for his Discharge to any one of the said Courts in the *East Indies* for the Relief of Insolvent Debtors, in the said last-mentioned Act mentioned, as shall have already Jurisdiction over the Matter of his Insolvency; and the Principal Officer of such Court shall cause a Notice of such Petition to be forthwith inserted in the Gazette of the Presidency within which such Court shall be holden; and the Chief Secretary of the Government of such Presidency shall, without Delay, transmit to the Court of Directors of the said United Company, by different Ships, Two at least of every such Gazette which shall contain such Notice as aforesaid, who shall, without Delay, cause such Notice to be inserted in the *London Gazette;* and all Creditors of the said Insolvent, either alone or as a Partner with any other Person or Persons, and either within the Limits of the said Charter of the said United Company, or elsewhere, who shall not, within Fourteen Calendar Months from the filing of such Petition for a Discharge as aforesaid, have given Notice to the said Court of his Dissent from such Insolvent having his Discharge, shall be taken to have assented thereto; and thereupon, and at the Expiration of the said Fourteen Calendar Months from the filing of such Petition for Discharge as aforesaid, if it shall appear to such Court that the said Insolvent has acted fairly and honestly towards his Creditors, and unless Creditors to the Amount of One Sixth in Number and Value of the Debts that shall have been established in such Court shall have given Notice of their Dissent as aforesaid, or unless a Fiat in Bankruptcy (not being a Fiat issued under the Provisions of the said recited Acts "to provide for the Relief of Insolvent Debtors in the *East Indies*,") shall have been sued out in *England* against such Insolvent within the Time hereinafter provided, such Court shall be authorized and empowered to order the Discharge of the said Insolvent from Liability for Debts, Claims, and Demands of and against such Insolvent; and such Order shall operate (save as herein-after provided) as a Release and Discharge from all Debts, Claims, and Demands for which such Insolvent was liable at the Time of his Petition for Relief being filed, or of any such Act of Insolvency committed as aforesaid (as the Case may be), and whether within the Limits of the Charter of the said United Company, or elsewhere, and whether such Debts, Claims, and Demands shall or shall not have been established in such Court as aforesaid: Provided nevertheless, that such Order shall not operate as a Release or Discharge of any Person who was Partner with such Insolvent, or jointly bound or liable with him.

6 G. 4. c. 16.

9 G. 4. c. 73.

Notice of such Petition to be inserted in the Gazette of the Presidency, and in the London Gazette.

Creditors who shall not dissent within 14 Months to be deemed to assent.

Court may then order Discharge, unless 1-6th dissent, or a Fiat in Bankruptcy issue under the General Bankrupt Acts.

Order of Court to discharge all Debts both in India and elsewhere.

But not to discharge Partners.

II. Provided always, and be it further enacted, That in case any Fiat in Bankruptcy shall be issued in *England* against any such Insolvent

If any Fiat of Bankruptcy shall be issued

under the Acts for Relief of Insolvent Debtors in India, then the Discharge to be confined to India;

Insolvent Trader as aforesaid, under the Provisions of the said Act, intituled *An Act to provide for the Relief of Insolvent Debtors in the* East Indies, or under the Provisions of any other Act passed or to be hereafter passed respecting Insolvent Debtors in the *East Indies*, then and in such Case such Order for Discharge as aforesaid shall not operate as a Discharge of the Debt, Claim, and Demand of any Creditor who shall not have been resident within the Limits of the Charter of the said United Company at any Time between the filing of such Petition and the making of such Order as last-mentioned, nor shall any such Creditor be debarred from bringing any Suit or Action for such Debt, Claim, or Demand in any Court of the United Kingdom of *Great Britain* and *Ireland*, or elsewhere without the Limits of the said United Company's Charter, against such Insolvent, in the same Manner and with the like Consequences and Effects as if such Order as last mentioned had not been made.

but on the Order for Discharge being proved to the Commissioner, and on his signing the Bankrupt's Certificate, such Certificate is to be a general Discharge from all Debts.

III. Provided nevertheless, and be it further enacted, That in such last-mentioned Case, upon any Application made to the Commissioner acting in such Fiat as aforesaid, to sign the Certificate of such Insolvent, and after the same shall have been signed by the requisite Number of Creditors under the Provisions of the said Act, intituled *An Act to provide for the Relief of Insolvent Debtors in the* East Indies, or any other Act passed or hereafter to be passed respecting Insolvent Debtors in the *East Indies*, then if it shall be made to appear to such Commissioner that such Order for a Discharge has been made by the Court in the *East Indies* as aforesaid, and if such Commissioner shall sign such Certificate, he shall also certify in Writing upon such Certificate that such Insolvent has obtained such Order for Discharge in the *East Indies* as aforesaid, and thereupon such Certificate shall have the same Force and Effect, as well within as without the Limits aforesaid, as a Certificate duly obtained under the said Act of the Sixth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act to amend the Laws relating to Bankrupts*, or in any other Act passed or to be hereafter passed respecting Bankrupts.

6 G. 4. c. 16.

In case there is no Bankruptcy, the Order of Discharge to have effect every where.

IV. And be it enacted, That any such Insolvent Trader who shall not be made a Bankrupt under the Provisions of the said Act for the Relief of Insolvent Debtors in the *East Indies*, or of any other Act passed or hereafter to be passed respecting Insolvent Debtors in the *East Indies*, if he shall, after such Order for his Discharge shall have been made as aforesaid, be arrested, or have any Action brought against him for any Debt, Claim, or Demand for which he was so liable as aforesaid, either within the Limits of the Charter of the said United Company or elsewhere, shall be discharged upon Common Bail, and may plead in general that the Cause of Action accrued before he became insolvent, and may give this Act and the special Matter in Evidence; and such Order as aforesaid, duly sealed with the Seal of the said Court, shall be sufficient Evidence in all Courts and Places whatsoever of all the Proceedings precedent to such Order being made, and of the same being duly obtained; and if any such Insolvent Trader shall be taken in Execution or detained in Prison for such Debt, Claim, or Demand, where Judgment has

been obtained before such Order of the Court for his Discharge as aforesaid, it shall be lawful for any Judge of the Court wherein such Judgment has been obtained, on such Insolvent producing such Order as aforesaid, to order any Officer who shall have such Insolvent in Custody by virtue of such Execution to discharge such Insolvent without exacting any Fee, and such Officer shall be hereby indemnified for so doing; and any such Insolvent Trader who shall be a Bankrupt under the Provisions of the said last-mentioned Act, and who shall be arrested within the Limits of the Charter of the said Company, shall be so discharged, and may so plead, and shall have otherwise such Relief, within the said Limits, as herein-before mentioned; and if he shall also obtain such Certificate as herein-before provided, he may be at liberty to avail himself either of such Certificate, or of such Order of Discharge as aforesaid, for the Purposes of his Discharge within the Limits aforesaid.

If there be a Bankruptcy, Discharge to be confined to India.

If Certificate obtained, it may be pleaded in India.

V. And be it further enacted, That in case any Fiat in Bankruptcy (other than a Fiat under the Provisions of the said Act, intituled *An Act to provide for the Relief of Insolvent Debtors in the East Indies*, or any other Act relating to the Insolvent Debtors in the *East Indies*,) be issued against any such Insolvent Trader within the Period of Eight Calendar Months from the Time of such Petition for Relief being filed, or of such Adjudication of Insolvency being made, as the Case may be, and such Insolvent Trader shall be duly adjudged a Bankrupt under such Fiat, then and in such Case such Court as aforesaid shall not be authorized and empowered to make any such Order for Discharge as aforesaid.

If a Fiat under the Bankrupt Act within Eight Months after Petition for Discharge, the Court to make no Order.

VI. And be it further enacted, That after the Expiration of such Eight Calendar Months as aforesaid no Fiat shall issue against any such Insolvent, upon any petitioning Creditor's Debt due before the filing of such Petition for Relief, or such Adjudication of Insolvency (as the Case may be); and in case any Fiat shall issue against such Insolvent Trader as aforesaid upon a petitioning Creditor's Debt incurred subsequently to such filing of the Petition for Relief or to such Adjudication of Insolvency as aforesaid, such Fiat shall not in any Manner affect, invalidate, or interfere with the Proceedings under the Insolvency previously existing in the *East Indies*, nor shall the Assignees under such Fiat acquire any Right or Title to take possession of, demand, sue for, or recover any Property or Interest, Real or Personal, wheresoever situated, which belonged to such Insolvent at the Time of such Petition for Relief being filed, or of such Adjudication of Insolvency as aforesaid, but the Assignee or Assignees appointed by such Court for the Relief of Insolvent Debtors shall have the sole and exclusive Right and Title thereto; and all Debts, Claims, and Demands due and payable to such Insolvent at the Time of such Petition for Relief being filed, or of such Adjudication of Insolvency as aforesaid, shall be established under such Insolvency, and shall not be provable under such last-mentioned Fiat.

But no Fiat to issue against a Trader who is already before the Insolvent Court, after the Eight Months from the Petition for Discharge.

VII. And whereas by the said recited Act of the Ninth Year of the Reign of His late Majesty King *George* the Fourth it is enacted, that all such Insolvent Debtors as therein mentioned shall, within

Schedules of Debtors in India to be transmitted

to Court of Directors in England, and to be open to Inspection of Creditors.

within the Time also therein mentioned, deliver into the Court a Schedule containing a full and true Account of their Debts, Estates, and Effects as therein mentioned, and which Schedule is thereby directed to be forthwith filed in the said Court: And whereas it is expedient that the Creditors of such Insolvent Debtors residing out of the Limits of the said Company's Charter should have the Means of inspecting such Schedule with equal Facility with Creditors of such Insolvent Debtors residing within the Limits of the said Charter; be it therefore further enacted, That the principal Officer of the said respective Courts for the Relief of Insolvent Debtors shall, without Delay, transmit to the Court of Directors of the said Company, by different Ships, Two or more Copies of each such Schedule, and the said Court shall retain the same, and permit any Person or Persons being a Creditor or Creditors of any such Insolvent Debtor to inspect and examine at all seasonable Times such Schedule, and shall, upon the Request and at the reasonable Costs and Charges of any such Creditor or Creditors (such Costs and Charges to be regulated by the said Court), provide for him or them a Copy or Copies of any such Schedule.

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ANNO QUARTO & QUINTO

GULIELMI IV. REGIS.

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CAP. LXXX.

An Act to provide for the Repayment to the Governor and Company of the Bank of *England* of One Fourth Part of the Debt due from the Public to the said Company, in pursuance of an Act passed in the last Session of Parliament.

[14th *August* 1834.]

WHEREAS an Act was passed in the last Session of Parliament, intituled *An Act for giving to the Corporation of the Governor and Company of the Bank of* England *certain Privileges, for a limited Period, under certain Conditions:* And whereas it was therein enacted, that One Fourth Part of the Debt of Fourteen millions six hundred and eighty-six thousand eight hundred Pounds, then due from the Public to the Governor and Company of the Bank of *England*, should be repaid to the said Governor and Company: And whereas the said Governor and Company have agreed to accept Three Pounds *per Centum per Annum* Reduced Annuities for the Liquidation of the said One Fourth Part of such Debt: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That immediately after the passing of this Act there shall be written in and placed to the Credit of the said Governor and Company of the Bank of *England*,

3 & 4 W. 4. c. 98.

4,080,000*l.* Reduced 3 per Cents. to be placed to the Credit

of the Bank of England, and to form Part of the Public Debt of the United Kingdom.

England, in the Books of the said Bank, by the Accountant General for the Time being of the said Governor and Company, the Sum of Four millions and eighty thousand Pounds Reduced Three Pounds *per Centum per Annum* Annuities, which said Sum of Four millions and eighty thousand Pounds shall be added to and consolidated with, and shall be deemed and taken as Part of and be subject to all the Conditions attending, the Reduced Three Pounds *per Centum per Annum* Annuities existing at the Time of the passing of this Act, forming Part of the Public Debt of the United Kingdom of *Great Britain* and *Ireland*, and shall be assignable and transferrable and redeemable accordingly, and the Dividends arising upon the said Sum of Four millions and eighty thousand Pounds Reduced Three Pounds *per Centum per Annum* Annuities shall be chargeable and the same are hereby charged upon the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, the first half-yearly Payment whereof shall be made upon the Tenth Day of *October* One thousand eight hundred and thirty-four; and the Lord High Treasurer or Commissioners of the Treasury of the United Kingdom of *Great Britain* and *Ireland*, or any Three or more of them, for the Time being, shall cause to be paid to the said Governor and Company Interest at the Rate of Three Pounds *per Centum per Annum* upon the Sum of Three millions six hundred seventy-one thousand seven hundred Pounds, being One Fourth Part of the said Debt, from the First Day of *August* last past up to the Day upon which the said Sum of Four millions and eighty thousand Pounds Reduced Annuities shall be written into the Books of the said Governor and Company; and the said Governor and Company shall continue a Corporation until Redemption of the said Four millions and eighty thousand Pounds Reduced Annuities by Parliament.

Treasury to pay the Bank Interest on 3,671,700*l.* from 1 Aug. 1834 till the 4,080,000*l.* shall be written in their Books.

Bank to continue a Corporation.

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CAP. LXXXI.

An Act to amend an Act of the Third Year of King *George* the Fourth, for regulating Turnpike Roads in *England*, so far as the same relates to the Weights to be carried upon Waggons with Springs. [15th *August* 1834.]

WHEREAS by an Act passed in the Third Year of the Reign of King *George* the Fourth, intituled *An Act to amend the General Laws now in being for regulating Turnpike Roads in that Part of* Great Britain *called* England, it is amongst other Things enacted, that for regulating the Weights to be allowed to Waggons, Wains, Carts, and other Carriages, the Weights therein particularly specified and regulated according to the Width and Number of the Wheels of such Carriages shall be allowed to every Waggon, Wain, Cart, or other such Carriage; and it is also by the said Act enacted, that to every Caravan or other Four-wheeled Carriage used for the Conveyance of Goods, and built and constructed with Springs, shall be allowed the Weights following; (that is to say,) for every such Carriage Three Tons and Fifteen Hundred Weight in Winter, and Four Tons Five Hundred Weight in Summer: And whereas Doubts have arisen whether the said last-recited Provision extends to Waggons, Wains, and other such wheeled Carriages when built and constructed with Springs, although such Waggons, Wains, and other Four-wheeled Carriages, if not on Springs, would be comprehended within the said first-recited Provision: 3 G. 4. c. 126. s. 12. s. 13.

Sect. 13 of recited Act not to extend to Waggons, Wains, &c. having Fellies of Wheels of not less than 4½ Inches in Breadth.

vision: Be it therefore declared and enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said last-recited Provision shall not be deemed or construed to extend to Waggons, Wains, or other Four-wheeled Carriages having the Fellies of the Wheels thereof of the Breadth of not less than Four Inches and a Half at the Bottom or Soles thereof, notwithstanding the same may be built and constructed with Springs; any thing in the said recited Act or any other Act to the contrary notwithstanding.

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tended to Suits concerning Charges or Liens on Lands.

stituted in the said Courts respectively concerning any Charge, Lien, Judgment, or Incumbrance thereon, or concerning any Money vested in any Government or other Public Stock, or Public Shares in Public Companies or Concerns, or concerning the Dividends or Produce thereof; and the Provisions in the said Act authorizing the said Courts respectively to direct that the Service in any Part of the United Kingdom of *Great Britain* or *Ireland*, or the *Isle of Man*, respectively, of any Subpœna or Subpœnas, Letter Missive or Letters Missive, and of all subsequent Process to be had thereon, upon any Defendant or Defendants in such Suit, then residing in such Parts of the United Kingdom or the *Isle of Man* in which he, she, or they should be so served, should be deemed good Service of or be made upon such Defendant or Defendants, upon such Terms, and in such Manner, and at such Time as to such Courts respectively should seem reasonable, and that thereupon it should and might be lawful for such Courts respectively to proceed upon such Service as fully and effectually as if the same had been duly made within the Jurisdictions of such Courts respectively, shall be and they are hereby extended to any Defendant or Defendants in any such Suit or Suits as herein-before mentioned, who shall appear by Affidavit to be resident in any Place, specifying the same, out of the United Kingdom of *Great Britain* and *Ireland*; and that it shall and may be lawful for the said Courts respectively, on Motion in open Court of any of the Complainants in any such Suit, founded upon an Affidavit or Affidavits, and such other Documents as may be applicable for the Purpose of ascertaining the Residence of the Party, and the Particulars material to identify such Party and his Residence, and also specifying the Means whereby such Service may be authenticated, and especially whether there are any *British* Officers, Civil or Military, appointed by or serving under His Majesty residing at or near such Place, to order that Service of a Subpœna to appear and answer upon the Party in the Manner thereby directed, or, in case where the said Courts respectively shall deem fit, upon the Receiver, Steward, or other Person receiving or remitting the Rents of the Lands or Premises, if any, in the Suit mentioned, returnable at such Time as the said Courts respectively shall direct, shall be deemed good Service of such Party, and afterwards, upon an Affidavit of such Service had, to order an Appearance to be entered for such Party in such Manner and at such Time as the said Courts respectively shall direct, and that thereupon it shall and may be lawful for such Courts respectively to proceed upon such Service so made as aforesaid as fully and effectually as if the same had been duly made within the Jurisdictions of such Courts respectively.

Service of Subpœnas in Cases where Defendants cannot be found.

II. And be it further enacted, That where it shall appear upon Affidavit, to be made to the Satisfaction of the said Courts respectively, that any Defendant in any such Suit as herein-before mentioned cannot by reasonable Diligence be personally served with the Subpœna to appear and answer, or that upon Inquiry at his usual Place of Abode he could not be found so as to be served with such Process, and that there is just ground for believing that such Defendant secretes or withdraws himself so as to avoid being served with the Process of

such Court, then and in all such Cases it shall and may be lawful for the Court to order that the Service of the Subpœna to appear and answer shall be substituted in such Manner as the Court shall think reasonable and direct by such Order.

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ANNO QUARTO & QUINTO

GULIELMI IV. REGIS.

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CAP. LXXXIII.

An Act to amend an Act passed in the Third Year of His present Majesty, intituled *An Act for shortening the Time required in Claims of Modus Decimandi, or Exemption from or Discharge of Tithes.* [15th *August* 1834.]

WHEREAS by an Act passed in the Third Year of the Reign of His present Majesty, intituled *An Act for shortening the Time required in Claims of Modus Decimandi, or Exemption from or Discharge of Tithes,* certain Provisions were made limiting the Period within which in Cases of Claims of a Modus Decimandi the Payment or Render of such Modus, and in Cases of Claim of or to any Exemption from or Discharge of Tithes by Composition Real or otherwise, the Enjoyment of the Land without Payment or Render of Tithes or Money, or other Matter in lieu thereof, should be shown to have taken place: And whereas it was by the said Act further enacted, that nothing therein contained should be prejudicial or available to or for any Plaintiff or Defendant in any Suit or Action relative to any of the Matters therein mentioned, then commenced, or which might be thereafter commenced during the then Session of Parliament, or within One Year from the End thereof: And whereas since the passing of the said Act a great Number of Suits have been instituted for the Recovery of Tithes, under the Apprehension on the Part of the Plaintiffs that they would be precluded by the said Act from recovering the Tithes to which they claim to be entitled unless

2 & 3 W 4. c. 100.

unless they prosecuted their Claims within the Periods limited by the said Act: And whereas it is deemed advisable to enable the Defendants in such Suits to cause all further Proceedings therein to be suspended until the End of the next Session of Parliament, upon the Terms herein-after expressed: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act it shall and may be lawful for the Defendant or Defendants in any Action or Suit which may have been commenced or instituted since the passing of the said recited Act for the Recovery of Tithes, or for invalidating Claims of a Modus Decimandi, or an Exemption from or Discharge of Tithes, for Lands in respect whereof no Tithes, nor any Composition in lieu thereof, shall have been actually rendered or paid within the Space of Sixty Years previous to the passing of this Act, with the Consent of the Plaintiff or Plaintiffs in such Action or Suit, to pay the Amount of the Costs and Expences (to be taxed as between Party and Party) which may have been incurred by or on the Part of the Plaintiff or Plaintiffs in such Action or Suit into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery or of the Court of Exchequer, or of the proper Officer of the Court in which such Action or Suit shall have been brought, to the Credit or on account of such Action or Suit; and in every Case where such Costs and Expences shall be so paid into Court, all further Proceedings in such Action or Suit (except as herein-after provided) shall be stayed and suspended until the End of the next Session of Parliament.

Proceedings stayed on Defendant's paying Costs into Court.

II. And be it further enacted, That from and after the End of the next Session of Parliament it shall and may be lawful for the Plaintiff or Plaintiffs in any Action or Suit, in which the Defendant or Defendants shall have caused the Proceedings to be stayed or suspended under the Provision herein-before contained to give Notice to the Defendant or Defendants of his, her, or their Intention to proceed in such Action or Suit and to proceed therewith accordingly; and then and in every such Case the Defendant or Defendants shall, immediately after such Notice shall have been so given, be entitled to receive out of Court the Sum or Sums which such Defendant or Defendants shall have previously paid into Court on account of the Costs of the Plaintiff or Plaintiffs.

Plaintiff may give Notice to Defendant of his Intention to proceed; in which Case the Defendant may have his Costs out of Court.

III. Provided always, and be it further enacted, That it shall and may be lawful for the Plaintiff or Plaintiffs in any Action or Suit in which the Defendant or Defendants shall have paid into Court the Costs of such Plaintiff or Plaintiffs under the Provision herein-before contained, to take the Sum or Sums which may have been so paid for such Costs out of Court, for his, her, or their own Use, and then and in every such Case all further Proceedings in such Action or Suit shall be for ever abandoned and relinquished.

If Plaintiff accepts the Costs, all Proceedings to be abandoned.

IV. And be it further enacted, That it shall and may be lawful for the Successors, Heirs, Executors, Administrators, or Assigns of any Plaintiff or Plaintiffs, whose Action or Suit may be so stayed or suspended

Executors, Heirs, &c. may act in case of Death.

pended as aforesaid, to revive and proceed with such Action or Suit after the End of the next Session of Parliament, or to take such Costs as aforesaid out of Court, and cause all further Proceedings to be abandoned and relinquished, in the same Manner in every respect as the original Plaintiff or Plaintiffs might or could have done.

Judges may, upon sufficient Cause shown, permit Actions to be proceeded with.

V. Provided always, and be it enacted, That notwithstanding the Provision herein-before contained it shall and may be lawful for any Party to any Action or Suit so suspended, upon adducing sufficient Proof to the Satisfaction of a Judge of the Court in which such Action or Suit shall have been commenced that there is Danger of some material Evidence in support of the Right or Claim of such Party being lost in consequence of such Suspension, to proceed in such Action or Suit to the Extent of proving such Fact or Facts the Evidence respecting which shall be so shown as aforesaid to be in danger of being lost through such Suspense.

As to previous Claims.

VI. Provided always, and be it enacted, That nothing in this Act contained shall prevent the Prosecution of any Suit in Law or Equity for the Recovery of any Tithes claimed or demanded previous to the passing of the said recited Act, or for the Recovery of the Value thereof.

LONDON: Printed by GEORGE EYRE and ANDREW SPOTTISWOODE, Printers to the King's most Excellent Majesty. 1834.

ANNO QUARTO & QUINTO

GULIELMI IV. REGIS.

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being, or any Three or more of them, or the Lord High Treasurer of the United Kingdom of *Great Britain* and *Ireland* for the Time being, are or is hereby authorized and empowered to issue and apply the same accordingly.

The Treasury may cause 4,250,000*l.* of Exchequer Bills to be made out in manner prescribed by 48 G. 3. c. 1.

II. And be it further enacted, That it shall and may be lawful for the Commissioners of His Majesty's Treasury or any Three or more of them for the Time being, from Time to Time, by Warrant under their Hands, to cause or direct any Number of Exchequer Bills to be made out at the Receipt of His Majesty's Exchequer at *Westminster* for any Sum or Sums of Money not exceeding in the whole Four millions two hundred and fifty thousand Pounds; and such Exchequer Bills shall be made out in the same or like Manner, Form, and Order, and according to the same or like Rules and Directions, as are directed and prescribed in and by an Act passed in the Forty-eighth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for regulating the issuing and paying off of Exchequer Bills.*

The Clauses, &c. in recited Act extended to this Act.

III. And be it further enacted, That all and every the Clauses, Provisoes, Powers, Privileges, Advantages, Penalties, Forfeitures, and Disabilities contained in the said recited Act passed in the Forty-eighth Year of the Reign of His said late Majesty shall be applied and extended to the Exchequer Bills to be made out in pursuance of this Act, as fully and effectually, to all Intents and Purposes, as if the said several Clauses, Provisoes, Powers, Privileges, Advantages, Penalties, Forfeitures, and Disabilities had been particularly repeated and re-enacted in the Body of this Act.

Interest on Exchequer Bills.

IV. And be it further enacted, That the Exchequer Bills to be made out in pursuance of this Act shall and may bear an Interest not exceeding the Rate of Three-pence Halfpenny *per Centum per Diem* upon or in respect of the whole of the Monies respectively contained therein.

Bills to be placed as so much Cash in the Exchequer;

V. And be it further enacted, That the Commissioners of His Majesty's Treasury for the Time being, or any Three or more of them, shall and they are hereby authorized and empowered to cause such Exchequer Bills as shall be made out in pursuance of this Act to be placed as so much Cash in the respective Offices of the Tellers of the Receipt of His Majesty's Exchequer at *Westminster*, each and every of which Tellers shall be severally charged with the Proportion of the said Bills which shall be so placed in his Office respectively as so much Cash; any Law or Usage to the contrary notwithstanding.

and may be applied by the Treasury.

VI. And be it further enacted, That the said Exchequer Bills in the Hands of the said Tellers shall be locked up and secured as Cash, according to the Course of the Receipt of the Exchequer at *Westminster*, and shall be taken and esteemed as so much in part of the Remains in Real Money wherewith each of the said Tellers shall from Time to Time stand charged, in common with other the Monies in the said Exchequer, any Law or Usage to the contrary notwithstanding; and it shall be lawful for the said Commissioners of the Treasury to issue

issue and apply the same from Time to Time to such Services as shall then have been voted by the Commons of the United Kingdom of *Great Britain* and *Ireland* in this present Session of Parliament.

Exchequer Bills made chargeable upon the growing Produce of the Consolidated Fund.

VII. And be it further enacted, That the Principal Sum or Sums of Money to be contained in all such Exchequer Bills to be made forth by virtue of this Act, together with the Interest that may become due thereon, shall be and the same are hereby made chargeable and charged upon the growing Produce of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland* in the next succeeding Quarter to that in which the said Exchequer Bills have been issued; and it shall be lawful for the Commissioners of His Majesty's Treasury for the Time being, or any Three or more of them, and they are hereby authorized, from Time to Time, by Warrant under their Hands, to direct the Auditor of the Receipt of the Exchequer at *Westminster*, in such Manner as they shall think necessary, to issue unto such Person or Persons as shall be named in the said Warrant, out of the growing Produce of the said Consolidated Fund of the next succeeding Quarter to that in which the said Exchequer Bills have been issued, any Sum or Sums of Money not exceeding in the whole a Sum sufficient to discharge and pay off the Principal Sum or Sums of Money contained in such Exchequer Bills then outstanding, and which may have been made out and issued by virtue of this Act, together with all such Interest as may be due thereupon.

Bank of England may advance 4,250,000*l.* on the Credit of this Act, notwithstanding 5 & 6 W. & M. c. 20.

VIII. And be it declared and further enacted, That it shall and may be lawful for the Governor and Company of the Bank of *England*, and they are hereby empowered, to take, accept, and receive the Exchequer Bills authorized to be made out in pursuance of this Act, and to advance or lend to His Majesty, at the Receipt of the Exchequer at *Westminster*, upon the Credit of the Sum granted by this Act out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, any Sum or Sums of Money not exceeding in the whole the Sum of Four millions two hundred and fifty thousand Pounds; any thing in an Act passed in the Fifth and Sixth Years of the Reign of King *William* and Queen *Mary*, intituled *An Act for granting to Their Majesties several Rates and Duties upon Tonnage of Ships and Vessels, and upon Beer, Ale, and other Liquors; and for securing certain Recompences and Advantages in the said Act mentioned to such Persons as shall voluntarily advance the Sum of One million five hundred thousand Pounds towards carrying on the War against* France, or any other Act or Acts to the contrary notwithstanding.

There shall be issued and applied towards the Supply 562,162*l.* 11*s.* 3½*d.*, being the Surplus of Ways and Means for the Years 1825, 1826, 1827, 1828, 1829, 1830, 1831, 1832-3, and 1833-4.

IX. And be it further enacted, That there shall and may be issued and applied for or towards making good the said Supply the Sum of Five hundred sixty-two thousand one hundred and sixty-two Pounds Eleven Shillings and Three-pence Halfpenny, being the Surplus of Ways and Means granted for the Years One thousand eight hundred and twenty-five, One thousand eight hundred and twenty-six, One thousand eight hundred and twenty-seven, One thousand eight hundred and twenty-eight, One thousand eight hundred and twenty-nine, One thousand eight hundred and thirty, One thousand eight hundred and thirty-one, One thousand eight hundred and thirty-

two

two—three, and One thousand eight hundred and thirty-three—four; and the Commissioners of His Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland* now or for the Time being, or any Three or more of them, or the Lord High Treasurer of the United Kingdom of *Great Britain* and *Ireland* for the Time being, are or is hereby authorized and empowered to issue and apply the same accordingly.

Monies coming into the Exchequer by 4 W. 4. c. 2.; 14,000,000*l.* by Exchequer Bills, 4 W. 4. c. 3.; Monies coming in by 4 W. 4. c. 5.; Monies coming in by 4 W. 4. c. 11.; Monies coming in by 4 W. 4. c. 12.; 14,384,700*l.* by Exchequer Bills, 4 & 5 W. 4. c. 58.

X. And be it further enacted, That all the Monies coming into the Exchequer of *Great Britain* by an Act passed in the present Session of Parliament, intituled *An Act to apply certain Sums to the Service of the Year One thousand eight hundred and thirty-four;* and also the Sum of Fourteen Millions granted by one other Act passed in the present Session of Parliament, intituled *An Act for raising the Sum of Fourteen Millions by Exchequer Bills, for the Service of the Year One thousand eight hundred and thirty-four;* and also all the Monies to be raised by Exchequer Bills, not exceeding the Sum of Three Millions, by virtue of one other Act passed in the present Session of Parliament, intituled *An Act for continuing to His Majesty, until the Fifth Day of* July *One thousand eight hundred and thirty-five, certain Duties on Sugar imported into the United Kingdom, for the Service of the Year One thousand eight hundred and thirty-four;* and all the Monies coming into the said Exchequer by one other Act passed in the present Session of Parliament, intituled *An Act for continuing to His Majesty, until the Fifth Day of* July *One thousand eight hundred and thirty-five, certain Duties on Offices and Pensions for the Service of the Year One thousand eight hundred and thirty-four, and to appropriate any Sums arising from the Redemption of the Land Tax;* and all the Monies coming into the said Exchequer by one other Act passed in the present Session of Parliament, intituled *An Act to apply a Sum of Seven Millions out of the Consolidated Fund to the Service of the Year One thousand eight hundred and thirty-four;* and also the Sum of Fourteen millions three hundred and eighty-four thousand seven hundred Pounds, granted by one other Act passed in the present Session of Parliament, intituled *An Act for raising the Sum of Fourteen millions three hundred and eighty-four thousand seven hundred Pounds by Exchequer Bills, for the Service of the Year One thousand eight hundred and thirty-four;* and also the respective Sums of Four millions two hundred and fifty thousand Pounds and of Five hundred sixty-two thousand one hundred and sixty-two Pounds Eleven Shillings and Three-pence Halfpenny by this Act granted, shall be further appropriated, and are hereby appropriated, and shall be issued and applied for and towards the several Uses and Purposes hereafter expressed.

and 4,250,000*l.* and 562,162*l.* 11*s.* 3½*d.* by this Act, shall be applied as hereafter expressed.

There shall be applied 4,578,009*l.* for Naval Services; viz. 958,761*l.* for Wages to 27,500 Seamen and Marines, &c.;

XI. And it is hereby also enacted, That out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding Four millions five hundred seventy-eight thousand and nine Pounds, for and towards the Naval Services herein-after more particularly mentioned; that is to say, any Sum or Sums of Money not exceeding Nine hundred fifty-eight thousand seven hundred and sixty-one Pounds, to defray the Charge of Wages to Twenty-seven thousand five hundred Seamen and

and Marines, and to the Ordinary and Yard Craft, which shall come in course of Payment in the Year ending the Thirty-first Day of *March* One thousand eight hundred and thirty-five; and any Sum or Sums of Money not exceeding Three hundred ninety-six thousand five hundred and sixty-one Pounds, to defray the Charge of Victuals for Seamen and Marines in His Majesty's Fleet, and for the Ordinary and Yard Craft, to the Thirty-first Day of *March* One thousand eight hundred and thirty-five; and any Sum or Sums of Money not exceeding One hundred four thousand five hundred and fifty-one Pounds, to defray the Salaries of the Officers and the contingent Expences of the Admiralty Office, to the Thirty-first Day of *March* One thousand eight hundred and thirty-five; and any Sum or Sums of Money not exceeding Twenty-one thousand seven hundred and twenty Pounds, to defray the Salaries of the Officers and the contingent Expences of the Navy Pay Office, to the Thirty-first Day of *March* One thousand eight hundred and thirty-five; and any Sum or Sums of Money not exceeding Twenty thousand eight hundred and eighty-five Pounds, to defray the Salaries of the Officers and the contingent Expences of the several Scientific Departments of the Navy, to the Thirty-first Day of *March* One thousand eight hundred and thirty-five; and any Sum or Sums of Money not exceeding One hundred nineteen thousand one hundred and sixty-eight Pounds, to defray the Salaries of the Officers and the contingent Expences of His Majesty's Naval Establishments at Home, to the Thirty-first Day of *March* One thousand eight hundred and thirty-five; and any Sum or Sums of Money not exceeding Twenty-two thousand six hundred and thirty-three Pounds, to defray the Salaries of the Officers and the contingent Expences of His Majesty's Naval Establishments Abroad, to the Thirty-first Day of *March* One thousand eight hundred and thirty-five; and any Sum or Sums of Money not exceeding Three hundred forty-eight thousand and twelve Pounds, to pay the Wages of Artificers, Labourers, and others employed in His Majesty's Naval Establishments at Home, to the Thirty-first Day of *March* One thousand eight hundred and thirty-five; and any Sum or Sums of Money not exceeding Twenty-five thousand five hundred and twelve Pounds, to pay the Wages of Artificers, Labourers, and others employed in His Majesty's Naval Establishments Abroad, to the Thirty-first Day of *March* One thousand eight hundred and thirty-five; and any Sum or Sums of Money not exceeding Four hundred twenty-one thousand nine hundred and ninety Pounds, for the Purchase of Naval Stores for the Building and Repair of Ships, and the Purchase of Ships and Vessels, Purchase of Steam Machinery, and other Purposes connected therewith, also for the Repair of Docks, Wharfs, and Buildings, to the Thirty-first Day of *March* One thousand eight hundred and thirty-five; and any Sum or Sums of Money not exceeding Seventy-four thousand nine hundred and eighty Pounds, to defray the Charge of new Works and Improvements in the Yards, to the Thirty-first Day of *March* One thousand eight hundred and thirty-five; and any Sum or Sums of Money not exceeding Twenty-five thousand six hundred and forty-one Pounds, to defray the Charge of Medicines and Medical Stores, to the Thirty-first Day of *March* One thousand eight hundred and thirty-five; and any Sum or Sums of Money not exceeding Thirty-six thousand one hundred and fifty-four Pounds, to defray the Expence of divers Naval

396,561*l.* for Victuals for Seamen, &c. in the Navy;

104,551*l.* for Salaries, &c. of the Admiralty Office;

21,720*l.* for the Navy Pay Office;

20,885*l.* for the Scientific Departments of the Navy;

119,168*l.* for Naval Establishments at Home;

22,633*l.* for Naval Establishments Abroad;

348,012*l.* for Wages of Artificers at Home;

25,512*l.* for Wages of Artificers Abroad;

421,990*l.* for Naval Stores;

74,980*l.* for new Works, in Yards;

25,641*l.* for Medicines, &c.;

36,154*l.* for Naval Miscellaneous Services;

847,360*l.* for Naval Half Pay

530,348*l.* for Military Pensions;

230,258*l.* for Civil Pensions;

180,115*l.* for Freight of Ships for Army and Ordnance Department;

113,360*l.* for conveying Convicts to *N. S. Wales*;

100,000*l.* for Pay due to Warrant and Petty Officers and to Seamen and Marines.

Miscellaneous Services, to the Thirty-first Day of *March* One thousand eight hundred and thirty-five; and any Sum or Sums of Money not exceeding Eight hundred forty-seven thousand three hundred and sixty Pounds, to defray the Charge of Half Pay to Officers of the Navy and Royal Marines, to the Thirty-first Day of *March* One thousand eight hundred and thirty-five; and any Sum or Sums of Money not exceeding Five hundred thirty thousand three hundred and forty-eight Pounds, to defray the Charge of Military Pensions and Allowances, to the Thirty-first Day of *March* One thousand eight hundred and thirty-five; and any Sum or Sums of Money not exceeding Two hundred thirty thousand two hundred and fifty-eight Pounds, to defray the Charge of Civil Pensions and Allowances, to the Thirty-first Day of *March* One thousand eight hundred and thirty-five; and any Sum or Sums of Money not exceeding One hundred eighty thousand one hundred and fifteen Pounds, to defray the Charge of Freight of Ships for the Conveyance of Troops and Stores on account of the Army and Ordnance Departments, to the Thirty-first Day of *March* One thousand eight hundred and thirty-five; and any Sum or Sums of Money not exceeding One hundred thirteen thousand three hundred and sixty Pounds, to defray the Expence of conveying Convicts to *New South Wales*, to the Thirty-first Day of *March* One thousand eight hundred and thirty-five; and any Sum or Sums of Money not exceeding One hundred thousand Pounds, to enable the Lords Commissioners of the Admiralty to give Effect to His Majesty's Order in Council dated the Eighteenth Day of *November* One thousand eight hundred and thirty-three, which directs the Payment at the Expiration of every Month of a certain Portion of the Pay due to Warrant and Petty Officers and to Seamen and Marines on board His Majesty's Ships, to the Thirty-first Day of *March* One thousand eight hundred and thirty-five.

There shall be applied 6,497,902*l.* 17*s.* 10*d.* for Land Forces; viz.

3,056,873*l.* 18*s.* 11*d.* for Forces in U. K. and Stations Abroad (except the *East Indies*);

120,848*l.* 18*s.* 6*d.* for General Staff Officers, &c.;

XII. And it is hereby also enacted, That out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding Six millions four hundred ninety seven thousand nine hundred and two Pounds Seventeen Shillings and Ten-pence, for and towards maintaining His Majesty's Land Forces and other Services herein-after more particularly mentioned; (that is to say,) any Sum or Sums of Money not exceeding Three millions fifty-six thousand eight hundred and seventy-three Pounds Eighteen Shillings and Eleven-pence, for defraying the Charge of His Majesty's Land Forces for Service in the United Kingdom of *Great Britain* and *Ireland*, and on Stations Abroad (excepting the Regiments employed in the Territorial Possessions of the *East India* Company), for the Year, from the First Day of *April* One thousand eight hundred and thirty-four to the Thirty-first Day of *March* One thousand eight hundred and thirty-five, both Days inclusive; and any Sum or Sums of Money not exceeding One hundred twenty thousand eight hundred and forty-eight Pounds Eighteen Shillings and Sixpence, for defraying the Charge of General Staff Officers, and Officers of the Hospitals, serving with His Majesty's Forces in the United Kingdom of *Great Britain* and *Ireland*, and on Foreign Stations (excepting *India*), and of His Majesty's Garrisons of the *Cinque Ports*, and the *Tower* of *London*, for the Year,

Year, from the First Day of *April* One thousand eight hundred and thirty-four to the Thirty-first Day of *March* One thousand eight hundred and thirty-five, both Days inclusive; and any Sum or Sums of Money not exceeding Ninety thousand three hundred and thirteen Pounds Four Shillings and Five-pence, for defraying the Charge of the Allowances to the Principal Officers of the several Public Departments in *Great Britain* and *Ireland*, their Deputies, Clerks, and contingent Expences, for the Year, from the First Day of *April* One thousand eight hundred and thirty-four to the Thirty-first Day of *March* One thousand eight hundred and thirty-five, both Days inclusive; and any Sum or Sums of Money not exceeding Six thousand nine hundred and seventy-seven Pounds Eight Shillings and Three-pence, for defraying the Charge of the Royal Military Asylum, for the Year, from the First Day of *April* One thousand eight hundred and thirty-four to the Thirty-first Day of *March* One thousand eight hundred and thirty-five, both Days inclusive; and any Sum or Sums of Money not exceeding Eighty-two thousand one hundred and seventy-nine Pounds, for defraying the Charge of Volunteer Corps in *Great Britain*, for the Year, from the First Day of *April* One thousand eight hundred and thirty-four to the Thirty-first Day of *March* One thousand eight hundred and thirty-five, both Days inclusive; and any Sum or Sums of Money not exceeding Sixteen thousand five hundred and forty-seven Pounds Twelve Shillings and Ten-pence, for defraying the Charge of Rewards for distinguished Military Services, and also of Allowances to Officers of His Majesty's Garrisons, holding their Appointments as Rewards for Military Service in the United Kingdom of *Great Britain* and *Ireland*, and on Foreign Stations, for the Year, from the First Day of *April* One thousand eight hundred and thirty-four to the Thirty-first Day of *March* One thousand eight hundred and thirty-five, both Days inclusive; and any Sum or Sums of Money not exceeding One hundred fourteen thousand Pounds, for defraying the Charge of the Pay of General Officers in His Majesty's Forces, not being Colonels of Regiments, for the Year, from the First Day of *April* One thousand eight hundred and thirty-four to the Thirty-first Day of *March* One thousand eight hundred and thirty-five, both Days inclusive; and any Sum or Sums of Money not exceeding Eighty-two thousand Pounds, for defraying the Charge of Full Pay for Reduced and Retired Officers of His Majesty's Forces, for the Year, from the First Day of *April* One thousand eight hundred and thirty-four to the Thirty-first Day of *March* One thousand eight hundred and thirty-five, both Days inclusive; and any Sum or Sums of Money not exceeding Six hundred and seven thousand Pounds, for defraying the Charge of Half Pay and Military Allowances to Reduced and Retired Officers of His Majesty's Land Forces, for the Year, from the First Day of *April* One thousand eight hundred and thirty-four to the Thirty-first day of *March* One thousand eight hundred and thirty-five, both Days inclusive; and any Sum or Sums of Money not exceeding Eighty-one thousand two hundred and forty Pounds, for defraying the Charge of Half Pay and Reduced Allowances to Officers of disbanded Foreign Corps, of Pensions to wounded Foreign Officers, and of Allowances to the Widows and Children of deceased Foreign Officers, for the Year, from the First Day of *April* One thousand

90,313*l.* 4*s.* 5*d.* for Allowances to Officers, &c. of Public Departments;

6,977*l.* 8*s.* 3*d.* for Royal Military Asylum;

82,179*l.* for Volunteer Corps;

16,547*l.* 12*s.* 10*d.* for Rewards for distinguished Military Services;

114,000*l.* for certain General Officers;

82,000*l.* for Full Pay for Retired Officers;

607,000*l.* for Half Pay;

81,240*l.* for Half Pay, &c. to Officers of disbanded Foreign Corps;

thousand eight hundred and thirty-four to the Thirty-first Day of *March* One thousand eight hundred and thirty-five, both Days inclusive; and any Sum or Sums of Money not exceeding One hundred forty-seven thousand six hundred Pounds, for defraying the Charge of Pensions to be paid to the Widows of Officers of His Majesty's Land Forces, for the Year, from the First Day of *April* One thousand eight hundred and thirty-four to the Thirty-first Day of *March* One thousand eight hundred and thirty-five, both Days inclusive; and any Sum or Sums of Money not exceeding One hundred sixty-four thousand five hundred Pounds, for defraying the Charge of Allowances on the Compassionate List, of Allowances as of His Majesty's Royal Bounty, and of Pensions, Gratuities, and Allowances to Officers for Wounds, for the Year, from the First Day of *April* One thousand eight hundred and thirty-four to the Thirty-first Day of *March* One thousand eight hundred and thirty-five, both Days inclusive; and any Sum or Sums of Money not exceeding One million three hundred twenty-seven thousand eight hundred and forty-eight Pounds Seven Shillings and Two-pence, for defraying the Charge of *Chelsea* and *Kilmainham* Hospitals, of the In-Pensioners of those Establishments, and of the Out-Pensioners of *Chelsea* Hospital, for the Year, from the First Day of *April* One thousand eight hundred and thirty-four to the Thirty-first Day of *March* One thousand eight hundred and thirty-five, both Days inclusive; and any Sum or Sums of Money not exceeding Forty-seven thousand Pounds, for defraying the Charge of Allowances, Compensations, and Emoluments, in the Nature of Superannuation or Retired Allowances, to Persons formerly belonging to the several Public Departments in the United Kingdom of *Great Britain* and *Ireland*, for the Year, from the First Day of *April* One thousand eight hundred and thirty-four to the Thirty-first Day of *March* One thousand eight hundred and thirty-five, both Days inclusive; and any Sum or Sums of Money not exceeding Two hundred seventy-one thousand five hundred and sixty-two Pounds Seven Shillings and One Penny, to defray the Expence of the Commissariat Department to the Thirty-first Day of *March* One thousand eight hundred and thirty-five; and any Sum or Sums of Money not exceeding Fifty-one thousand one hundred and eighteen Pounds Six Shillings and Two-pence, to defray the Expence of Half Pay, Pensions, and Allowances in the Commissariat Department, to the Thirty-first Day of *March* One thousand eight hundred and thirty-five; and any Sum or Sums of Money not exceeding Two hundred thirty thousand two hundred and ninety-three Pounds Fourteen Shillings and Sixpence, to defray the Charge of the Disembodied Militia of the United Kingdom of *Great Britain* and *Ireland*, and for the Allowances and Pensions to Officers and Men of the Regular and Local Militia, to the Thirty-first Day of *March* One thousand eight hundred and thirty-five.

147,600*l.* for Pensions to Widows;

164,500*l.* for Compassionate List, &c.;

1,327,848*l.* 7*s.* 2*d.* for *Chelsea* and *Kilmainham* Hospitals;

47,000*l.* for Superannuations in Public Departments;

271,562*l.* 7*s.* 1*d.* for the Commissariat;

51,118*l.* 6*s.* 2*d.* for Half Pay and Pensions of Commissariat;

230,293*l.* 14*s.* 6*d.* for Disembodied, Regular and Local Militia.

There shall be applied 1,166,914*l.* for Ordnance Department, viz.;

70,562*l.* for Ordnance at the *Tower*, &c.;

XIII. And it is hereby also enacted, That out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding One million one hundred sixty-six thousand nine hundred and fourteen Pounds, for and towards the Ordnance Services herein-after more particularly mentioned; that is to say, any Sum or Sums of Money not exceeding Seventy thousand

sand five hundred and sixty-two Pounds, for defraying the Salaries to the Master General and the principal Officers and Clerks belonging to the Office of Ordnance at the *Tower*, *Pall Mall*, and *Dublin*, for the Year One thousand eight hundred thirty-four—five; and any Sum or Sums of Money not exceeding Eight thousand one hundred and seventy-eight Pounds, for defraying the Salaries to the Departments of the Office of Ordnance at *Woolwich*, for the Year One thousand eight hundred and thirty-four—five; and any Sum or Sums of Money not exceeding Fifteen thousand two hundred and thirty-seven Pounds, for defraying the Salaries of the Establishments of the Office of Ordnance at the Home Stations, for the Year One thousand eight hundred and thirty-four—five; and any Sum or Sums of Money not exceeding Twenty-six thousand nine hundred and ninety-eight Pounds, for defraying the Salaries of the Establishments of the Office of Ordnance at the Out Stations in *Ireland* and Foreign Stations for the Year One thousand eight hundred and thirty-four—five; and any Sum or Sums of Money not exceeding Thirty-six thousand one hundred and ninety-four Pounds, for defraying the Salaries to the several Barrack Masters, Deputy Barrack Masters, and Barrack Serjeants in *Great Britain*, *Ireland*, and the Colonies, for the Year One thousand eight hundred and thirty-four—five; and any Sum or Sums of Money not exceeding Five thousand Pounds, for defraying the Expence of Master Gunners at the Garrisons and Batteries in *Great Britain*, *Guernsey*, *Jersey*, and *Ireland*, for the Year One thousand eight hundred and thirty-four—five; and any Sum or Sums of Money not exceeding Seventy-five thousand four hundred and eleven Pounds, for defraying the Expence of the Corps of Royal Engineers, the Corps of Royal Sappers and Miners, and of the Establishment for the Instruction of Royal Sappers and Miners, for *Great Britain*, *Ireland*, and the Colonies, for the Year One thousand eight hundred and thirty-four—five; and any Sum or Sums of Money not exceeding Two hundred seventy-six thousand two hundred and twenty-seven Pounds, for defraying the Expence of the Royal Regiment of Artillery for *Great Britain*, *Ireland*, and the Colonies, for the Year One thousand eight hundred and thirty-four—five; and any Sum or Sums of Money not exceeding Thirty-five thousand nine hundred and seventy-one Pounds, for defraying the Expence of the Brigade of Royal Horse Artillery, and also for the Riding House Troop, for *Great Britain* and *Ireland*, for the Year One thousand eight hundred and thirty-four—five; and any Sum or Sums of Money not exceeding Six hundred and two Pounds, for defraying the Expence of the Director General of Artillery and Field Train Department, for the Year One thousand eight hundred and thirty-four—five; and any Sum or Sums of Money not exceeding Ten thousand one hundred and ninety-eight Pounds, for defraying the Expence of the Medical Establishment for the Military Department of the Ordnance in *Great Britain*, *Ireland*, and the Colonies, for the Year One thousand eight hundred and thirty-four—five; and any Sum or Sums of Money not exceeding Thirty thousand seven hundred and thirty-eight Pounds, for defraying the Charge for the Superintendence of Ordnance Works and Repairs in *Great Britain*, *Ireland*, and the Colonies, for the Year One thousand eight hundred and thirty-four—five; and any Sum or Sums of Money not exceeding Twenty-nine thousand seven hundred and

8,178*l.* for the Departments at *Woolwich*;

15,237*l.* for Ordnance Establishments at Home;

26,998*l.* for those Abroad and in *Ireland*;

36,194*l.* for the Barrack Department;

5,000*l.* for Master Gunners;

75,411*l.* for the Corps of Royal Engineers, Sappers, &c.;

276,227*l.* for the Royal Regiment of Artillery;

35,971*l.* for Brigade of Royal Horse Artillery;

602*l.* for the Field Train Department;

10,198*l.* for the Medical Establishment of the Ordnance;

30,738*l.* for Superintendence, Repairs, &c.;

29,743*l.* for the Extraordinaries of the Ordnance;

and forty-three Pounds, for defraying the Extraordinaries of the Office of Ordnance, for the Year One thousand eight hundred and thirty-four—five, on account of Ordnance Works and Repairs, and Storekeepers Expenditure, in *Great Britain*, *Ireland*, and the Colonies, after deducting One hundred and twenty-nine thousand Pounds for Rents, Sales of old Stores, *et cætera*, and unexpended Sums of former Grants, and Ten thousand Pounds voted in the Estimate last Year for Stores for Foreign Works and Repairs; and any Sum or Sums of Money not exceeding Twenty-eight thousand and seventy-six Pounds, for defraying the Charge for the Superintendence of the Building and Repair of Barracks in *Great Britain*, *Ireland*, and the Colonies, for the Year One thousand eight hundred and thirty-four—five; and any Sum or Sums of Money not exceeding Seventy-four thousand four hundred and four Pounds, for defraying the Extraordinaries of the Office of Ordnance, for the Year One thousand eight hundred and thirty-four—five, on account of the Building and Repair of Barracks in *Great Britain*, *Ireland*, and the Colonies, after deducting Fifty-one thousand Pounds for Rent of Canteens, *et cætera*, and Ten thousand Pounds voted in the Estimate last Year for Stores for the Building and Repair of Foreign Barracks; and any Sum or Sums of Money not exceeding Sixty-five thousand and thirty-four Pounds, for defraying the Charge for Barrack Masters Expenditure, Allowances to Barrack Masters, and Lodging Money to Officers and others, in *Great Britain*, *Ireland*, and the Colonies, for the Year One thousand eight hundred and thirty-four—five; and any Sum or Sums of Money not exceeding One hundred twenty-nine thousand five hundred and eighty-two Pounds, for defraying the Charge for Military, Civil, and Barrack Contingencies in *Great Britain*, *Ireland*, and the Colonies, for the Year One thousand eight hundred and thirty-four—five; and any Sum or Sums of Money not exceeding Fifty-five thousand Pounds, for defraying the Charge for Stores for Ordnance and Military Store Branch Services in *Great Britain*, *Ireland*, and the Colonies, for the Year One thousand eight hundred and thirty-four—five; and any Sum or Sums of Money not exceeding Twenty thousand Pounds, for defraying the Charge on account of Stores, for the Year ending the Thirty-first Day of *March* One thousand eight hundred and thirty-six, required for Foreign Works and Repairs; and any Sum or Sums of Money not exceeding Three thousand five hundred and fourteen Pounds, for defraying the Expence of Services performed by the Office of Ordnance, and not provided for by Parliament, in the Year One thousand eight hundred and thirty-three—four; and any Sum or Sums of Money not exceeding One thousand seven hundred and forty-seven Pounds, for defraying the Expence of Sums to be paid at the Treasury and at the Exchequer, for Fees on the Amount of the Ordnance Estimates, for the Year One thousand eight hundred and thirty-four—five; and any Sum or Sums of Money not exceeding One hundred sixty-eight thousand four hundred and ninety-eight Pounds, for defraying the Charge of the Office of Ordnance in *Great Britain* and *Ireland* on account of the Allowances to Superannuated, Retired, and Half Pay Officers, and for Pensions to Widows and Children of deceased Officers late belonging to the several Ordnance Military Corps, also for the Charge of Allowances, Compensations, and Emoluments in the Nature of Superannuated

28,076*l.* for building Barracks;

74,404*l.* for Ordnance Extraordinaries;

65,034*l.* for Barrack Masters Expenditure;

129,582*l.* for Military and Civil Contingencies;

55,000*l.* for the Ordnance Branch;

20,000*l.* for Stores for Foreign Works;

3,514*l.* for Ordnance Services;

1,747*l.* for Exchequer Fees;

168,498*l.* for Ordnance Superannuations, Retired Allowances, Pensions, &c.;

Superannuated or Retired Allowances, to Persons late belonging to the Office of Ordnance and to the Barrack Department in respect of their having held any Public Offices or Employments of a Civil Nature, and also for Pensions to Widows, for the Year One thousand eight hundred and thirty-four—five.

There shall be issued 27,752,650*l.* to pay off Exchequer Bills charged on the Aids of 1833 or 1834;

XIV. And it is hereby also enacted, That out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding Twenty-seven millions seven hundred fifty-two thousand six hundred and fifty Pounds, to pay off and discharge Exchequer Bills, and that the same be issued and applied towards paying off and discharging any Exchequer Bills charged on the Aids or Supplies of the Years One thousand eight hundred and thirty-three or One thousand eight hundred and thirty-four now remaining unpaid and unprovided for.

and also 632,050*l.* to pay off Exchequer Bills for carrying on Public Works, &c.

XV. And it is hereby also enacted, That out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding Six hundred thirty-two thousand and fifty Pounds, to pay off and discharge Exchequer Bills issued pursuant to several Acts for carrying on Public Works, building additional Churches, and for the Relief of Persons who have sustained Losses in the *West Indies*, outstanding and unprovided for.

There shall be applied 1,940*l.* for Civil Establishment of the *Bahama Islands*;

XVI. And it is hereby also enacted, That out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding One thousand nine hundred and forty Pounds, to defray the Charge of the Civil Establishment of the *Bahama Islands*, to the Thirty-first Day of *March* One thousand eight hundred and thirty-five, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Four thousand two hundred and forty nine Pounds Thirteen Shillings and Four-pence, to defray the Charge of the Civil Establishment of the *Bermuda Islands*, to the Thirty-first Day of *March* One thousand eight hundred and thirty-five, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Three thousand one hundred and twenty Pounds, to defray the Charge of the Civil Establishment of *Prince Edward's Island*, to the Thirty-first Day of *March* One thousand eight hundred and thirty-five, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Twelve thousand eight hundred and sixty-one Pounds Thirteen Shillings and Sixpence, to defray the Charge of the Civil Establishments on the Western Coast of *Africa*, to the Thirty-first Day of *March* One thousand eight hundred and thirty-five, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Fourteen thousand eight hundred and seventy Pounds Eighteen Shillings and Sixpence, to defray the Expence of the Ecclesiastical Establishment of the *British North American* Provinces to the Thirty-first Day of *March* One thousand eight hundred and thirty five, and that the said Sum be

4,249*l.* 13*s.* 4*d.* for *Bermuda*;

3,120*l.* for *Prince Edward's Island*;

12,861*l.* 13*s.* 6*d.* for *Western Africa*;

14,870*l.* 18*s.* 6*d.* for Ecclesiastical Establishment of *British North American* Provinces, &c;

5806*l.* 5*s.* for *Western Australia*;

be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Five thousand eight hundred and six Pounds Five Shillings, to defray the Expence of the Settlement in *Western Australia*, to the Thirty-first Day of *March* One thousand eight hundred and thirty-five, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever;

20,000*l.* for the *Indian* Department in *Upper* and *Lower Canada*.

and any Sum or Sums of Money not exceeding Twenty thousand Pounds, to defray the Expence of the Establishment of the *Indian* Department in *Upper* and *Lower Canada*, to the Thirty-first Day of *March* One thousand eight hundred and thirty-five, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever.

There shall be applied 17,017*l.* for the *British Museum*;

XVII. And it is hereby also enacted, That out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding Seventeen thousand and seventeen Pounds, to defray the estimated Expenditure of the *British Museum*, for the Year ending at *Christmas* One thousand eight hundred and thirty-four, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money

22,500*l.* to Revising Barristers under 2 W. 4. c. 45;

not exceeding Twenty-two thousand five hundred Pounds, to pay the Allowances and Expences of the Barristers employed in revising Lists of Voters under the Act for amending the Representation of the People in *England* and *Wales*, and that the said Sum be issued and

11,550*l.* for the National Gallery for 1834;

paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Eleven thousand five hundred and fifty Pounds, for the Purchase of Pictures for the National Gallery, during the Year One thousand eight hundred and thirty-four, and that the said Sum be issued and paid without any Fee or other

42,721*l.* for Repairs of Public Buildings and Furniture of Public Offices;

Deduction whatsoever; and any Sum or Sums of Money not exceeding Forty-two thousand seven hundred and twenty-one Pounds, to defray, to the Thirty-first Day of *March* One thousand eight hundred and thirty-five, the Expence of Works and Repairs of Public Buildings, and for Furniture and other Charges of Public Offices and Departments, for certain Charges for lighting and watching, and for the Maintenance and Repairs of Royal Palaces and Works in the Royal Gardens, heretofore charged upon the Civil List, and that the said Sum be issued and paid without any Fee or other Deduction

10,000*l.* for *Kingstown* Harbour;

whatsoever; and any Sum or Sums of Money not exceeding Ten thousand Pounds, to defray the Expence of Works and Repairs at the Harbour of *Kingstown*, to the Thirty-first Day of *March* One thousand eight hundred and thirty-five, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever;

3,742*l.* for *Donaghadee* Harbour;

and any Sum or Sums of Money not exceeding Three thousand seven hundred and forty-two Pounds, to complete the Works at *Donaghadee* Harbour, and that the said Sum be issued and paid without any Fee

3,922*l.* for *Holyhead* Road;

or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Three thousand nine hundred and twenty-two Pounds, to defray the Expences of the *Holyhead* and *Liverpool* Roads, and *Holyhead* and *Howth* Harbours, for One Year, from the Fifth Day of *April* One thousand eight hundred and thirty-four, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Eight

8,000*l.* for new Buildings at the *British Museum*;

thousand Pounds, to defray the Charge of the new Buildings at the *British Museum*, to the Thirty-first Day of *March* One thousand

eight hundred and thirty-five, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Thirty-seven thousand Pounds, to defray the Expence of Works and Alterations at *Windsor Castle*, to the Thirty-first Day of *March* One thousand eight hundred and thirty-five, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Thirteen thousand Pounds, to defray, to the Thirty-first Day of *March* One thousand eight hundred and thirty-five, the Expence of erecting a National Gallery, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Seventeen thousand Pounds, to defray, to the Thirty-first Day of *March* One thousand eight hundred and thirty-five, the Charge of the Repair and Restoration of *Westminster Hall*, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Six thousand seven hundred Pounds, to defray, in the Year One thousand eight hundred and thirty-four, the Expence of erecting Revenue Buildings at *Bristol*, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Forty-four thousand five hundred Pounds, to defray the Charge of those Salaries of the Officers of the House of Lords and of the House of Commons, and of Pensions for retired Officers of the Two Houses, which are paid at the Treasury, and also of the Amount which will be required in aid of the Fee Funds of the Two Houses, for the Year One thousand eight hundred and thirty-four; and any Sum or Sums of Money not exceeding Twenty-five thousand Pounds, to defray the Expences of the House of Lords and of the House of Commons, in the Year One thousand eight hundred and thirty-four; and any Sum or Sums of Money not exceeding Forty-one thousand Pounds, to make good the Deficiency of the Fee Fund in the Department of His Majesty's Treasury, to the Thirty-first Day of *March* One thousand eight hundred and thirty-five; and any Sum or Sums of Money not exceeding Ten thousand five hundred and ninety-eight Pounds, to make good the Deficiency of the Fee Fund in the Office of His Majesty's Secretary of State for the Home Department, to the Thirty-first Day of *March* One thousand eight hundred and thirty-five; and any Sum or Sums of Money not exceeding Thirteen thousand three hundred and thirty-seven Pounds, to make good the Deficiency of the Fee Fund in the Department of His Majesty's Secretary of State for Foreign Affairs, to the Thirty-first Day of *March* One thousand eight hundred and thirty-five; and any Sum or Sums of Money not exceeding Nine thousand seven hundred and thirty-seven Pounds, to make good the Deficiency of the Fee Fund in the Department of His Majesty's Secretary of State for the Colonies, to the Thirty-first Day of *March* One thousand eight hundred and thirty-five; and any Sum or Sums of Money not exceeding Eighteen thousand six hundred and fifty-eight Pounds, to make good the Deficiency of the Fee Fund in the Department of His Majesty's Most Honourable Privy Council and Committee of Privy Council for Trade, to the Thirty-first Day of *March* One thousand eight hundred and thirty-five; and any Sum or Sums of Money not exceeding Two thousand Pounds, to defray

37,000*l.* for *Windsor Castle*;

13,000*l.* for erecting a National Gallery;

17,000*l.* for repairing *Westminster Hall*;

6,700*l.* for erecting Revenue Buildings at *Bristol*;

44,500*l.* for the Officers of the Houses of Lords and Commons;

25,000*l.* for the Expences of both Houses;

41,000*l.* for Fee Fund at the Treasury;

10,598*l.* for Ditto at Home Office;

13,337*l.* at the Foreign Office;

9,737*l.* at the Colonial Office;

18,658*l.* at the Privy Council Office;

2,000*l.* for Salary to the Lord Privy Seal;

defray the Salary of the Lord Privy Seal, to the Thirty-first Day of *March* One thousand eight hundred and thirty-five, and that the said Sum be issued and paid without Fee or any other Deduction whatsoever; and any Sum or Sums of Money not exceeding Seven thousand five hundred Pounds, to defray the contingent Expences and Messengers Bills in the Department of His Majesty's Treasury, to the Thirty-first Day of *March* One thousand eight hundred and thirty-five, and that the said Sum be issued without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Five thousand six hundred and ninety-five Pounds, to defray the contingent Expences and Messengers Bills in the Office of His Majesty's Secretary of State for the Home Department, to the Thirty-first Day of *March* One thousand eight hundred and thirty-five, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Thirty-nine thousand Pounds, to defray the contingent Expences and Messengers Bills in the Department of His Majesty's Secretary of State for Foreign Affairs, to the Thirty-first Day of *March* One thousand eight hundred and thirty-five, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Seven thousand one hundred Pounds, to defray the contingent Expences and Messengers Bills in the Department of His Majesty's Secretary of State for the Colonies, to the Thirty-first Day of *March* One thousand eight hundred and thirty-five, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Two thousand two hundred and thirty-two Pounds, to defray the contingent Expences and Messengers Bills in the Department of His Majesty's Most Honourable Privy Council and Committee of Privy Council for Trade, to the Thirty-first Day of *March* One thousand eight hundred and thirty-five, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Three thousand seven hundred Pounds, to defray the Expences of Messengers attending the First Lord of the Treasury and Chancellor of the Exchequer, the Four Patent Messengers of the Court of Exchequer, and various ancient Allowances to the Officers of that Court; and any Sum or Sums of Money not exceeding Two thousand and six Pounds, to defray the Charge of the Salaries and Allowances to certain Professors in the Universities of *Oxford* and *Cambridge*, to the Thirty-first Day of *March* One thousand eight hundred and thirty-five, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Twelve thousand three hundred Pounds, to pay the Salaries of the Commissioners of the Insolvent Debtors Court, and of their Clerks, the contingent Expences of the Court and Office, and also the Expences attendant upon their Circuits, to the Thirty-first Day of *March* One thousand eight hundred and thirty-five, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding One thousand five hundred and sixty-eight Pounds, to pay the Salaries of the Officers and the contingent Expences of the Office for the Registration of Aliens, to the Thirty-first Day of *March* One thousand eight

7,500*l.* for Contingencies at the Treasury;

5,695*l.* for Contingencies in the Home Department;

39,000*l.* for Contingencies in the Foreign Department;

7,100*l.* for Contingencies in the Colonial Department;

2,232*l.* for Contingencies at the Privy Council, &c.;

3,700*l.* for Messengers at the Treasury and Exchequer;

2,006*l.* for certain Professors at *Oxford* and *Cambridge*;

12,300*l.* for Insolvent Debtors' Court;

1,568*l.* for Superintendence of Aliens, &c.;

eight hundred and thirty-five, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Fifteen thousand five hundred and sixty-three Pounds, to defray the Charge of the Penitentiary at *Milbank*, to the Thirty-first Day of *March* One thousand eight hundred and thirty-five, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Five hundred and eighty Pounds, to make good the Deficiency of the Fees in the Office for the Registrar of Colonial Slaves in *Great Britain*, for Half a Year, ending on the Thirtieth Day of *September* One thousand eight hundred and thirty-four; and any Sum or Sums of Money not exceeding Four thousand three hundred and sixty-six Pounds, to defray the Charge, to the Thirty-first Day of *March* One thousand eight hundred and thirty-five, of the Salaries and other Expences of the State Paper Office, the Office for the Custody of Records in the *Tower*, and the Office for the Custody of Records in the Chapter House, *Westminster*; and any Sum or Sums of Money not exceeding Eight hundred Pounds, to defray the Expences of the Commission for inquiring into the Practice and Proceedings of the Superior Courts of Common Law, to the Termination of the Commission; and any Sum or Sums of Money not exceeding Sixteen thousand two hundred Pounds, to pay, to the Thirty-first Day of *March* One thousand eight hundred and thirty-five, the Salaries and incidental Expences of the Commissioners appointed on the Part of His Majesty under the Treaties with Foreign Powers for preventing the illegal Traffic in Slaves, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Five thousand seven hundred and nine Pounds, to defray the Charge of the Salaries of the Inspectors and Superintendents of the Factories, under the Act to regulate the Labour of Children and young Persons in the Mills and Factories of the United Kingdom, to the Thirty-first Day of *March* One thousand eight hundred and thirty-five, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Fifty-eight thousand eight hundred and fifty-eight Pounds, to defray the Charge of Retired Allowances or Superannuations to Persons formerly employed in the Public Offices or Departments or in the Public Service, to the Thirty-first Day of *March* One thousand eight hundred and thirty-five, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Twelve thousand two hundred and thirty Pounds, to enable His Majesty to grant Relief, to the Thirty-first Day of *March* One thousand eight hundred and thirty-five, to *Toulonese* and *Corsican* Emigrants, *Dutch* Naval Officers, *Saint Domingo* Sufferers, and *American* Loyalists, and others, who have heretofore received Allowances from His Majesty, and who for Services performed or Losses sustained in the *British* Service have special Claims on His Majesty's Justice and Liberality, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding One thousand eight hundred and twenty-three Pounds, to defray the Expence of the National Vaccine Establishment, for the Year One thousand eight hundred

15,563*l.* for the Penitentiary at *Milbank*;

580*l.* for Office of Registrar of Colonial Slaves;

4,366*l.* for Expences of State Paper Office, &c.;

800*l.* for Expences of Commission of Common Law Inquiry;

16,200*l.* for Commissioners for preventing the Slave Trade, &c.;

5,709*l.* for Salaries of Factory Inspectors, under 3 & 4 W. 4. c. 103.

58,858*l.* for Retired Allowances to Public Officers;

12,230*l.* for Relief to *Toulonese* and *Corsican* Emigrants, *Dutch* Naval Officers, and *St. Domingo* Sufferers, &c.;

1,323*l.* for the Vaccine Establishment;

hundred

hundred and thirty-four, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Three thousand Pounds, for the Support of the Institution called "The Refuge for the Destitute," for the Year One thousand eight hundred and thirty-four, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Three thousand one hundred and thirty-seven Pounds Five Shillings and Twopence, to defray the Charge of confining and maintaining Criminal Lunatics, to the Thirty-first Day of *March* One thousand eight hundred and thirty-five, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Four thousand nine hundred and ninety Pounds, to defray, to the Thirty-first Day of *March* One thousand eight hundred and thirty-five, the usual Allowances to Protestant Dissenting Ministers in *England*, poor *French* Refugee Clergy, poor *French* Refugee Laity, and sundry other small charitable and other Allowances to the Poor of *Saint Martin's-in-the-Fields*, and others, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Thirty-seven thousand six hundred Pounds, to defray the Charge of His Majesty's Foreign and other Secret Services, to the Thirty-first Day of *March* One thousand eight hundred and thirty-five, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Fifty-six thousand Pounds, to defray the Expence of printing Acts of Parliament, and Bills, Reports, and other Papers, for the Two Houses of Parliament, to the Thirty-first Day of *March* One thousand eight hundred and thirty-five; and any Sum or Sums of Money not exceding One hundred thirty-one thousand nine hundred and eighteen Pounds, to defray the Expence of providing Stationery, Printing, and Binding for the several Public Departments in *England*, *Ireland*, *Scotland*, and the Colonies, to the Thirty-first Day of *March* One thousand eight hundred and thirty-five, and for providing Paper for the Printing which may be ordered in the Session One thousand eight hundred and thirty-five for the Two Houses of Parliament, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Ten thousand Pounds, to defray the Expences of the Mint in the Coinage of Gold, to the Thirty-first Day of *March* One thousand eight hundred and thirty-five; and any Sum or Sums of Money not exceeding Eight thousand Pounds, to defray the Expence of the Prosecution of Offences against the Laws relating to Coin, to the Thirty-first Day of *March* One thousand eight hundred and thirty-five; and any Sum or Sums of Money not exceeding Eleven thousand Pounds, to defray the Expence of Law Charges, to the Thirty-first Day of *March* One thousand eight hundred and thirty-five; and any Sum or Sums of Money not exceeding Seventy-three thousand six hundred and sixty-two Pounds, to defray, to the Thirty-first Day of *March* One thousand eight hundred and thirty-five, the Charge of confining, maintaining, and employing Convicts at Home and in *Bermuda*, and in providing Clothing for the Convicts who may probably be transported to *New South Wales* and *Van Diemen's Land*,

3,000*l.* for the Refuge for the Destitute;

3,137*l.* 5*s.* 2*d.* for maintaining Criminal Lunatics;

4,990*l.* for Dissenting Ministers, poor *French* Refugee Clergy, &c.;

37,600*l.* for Secret Services;

56,000*l.* for printing for Parliament;

131,918*l.* for Stationery, &c. for Public Departments, and for Paper for printing for Parliament;

10,000*l.* for the Mint;

8,000*l.* for Prosecutions relating to the Coin;

11,000*l.* for Law Charges;

73,662*l.* for maintaining Convicts at Home and in *Bermuda*, &c.;

Land, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Twenty thousand Pounds, to defray, to the Thirty-first Day of *March* One thousand eight hundred and thirty-five, the Expences for the Support of captured Negroes and liberated *Africans*, under the Acts for the Abolition of the Slave Trade, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding One hundred and thirty thousand Pounds, to defray the Charge of maintaining Convicts at *New South Wales* and *Van Diemen's Land*, to the Thirty-first Day of *March* One thousand eight hundred and thirty-five, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Ten thousand Pounds, to defray the Expences incurred under the Direction and Management of the Commissioners of Records, to the Thirty-first Day of *March* One thousand eight hundred and thirty-five, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Five thousand Pounds, to defray, in the Year One thousand eight hundred and thirty-four, the Expence of paying Fees due and payable to the Officers of the Parliament on all Bills for continuing or amending any Acts for making or maintaining, keeping in repair, or improving Turnpike Roads, which shall pass the Two Houses of Parliament and receive the Royal Assent, and that the said Sum be issued and paid without any Fee or other Deductions whatsoever; and any Sum or Sums of Money not exceeding Twenty thousand Pounds, to enable His Majesty to issue Money for the Erection of Schoolhouses, in aid of private Subscriptions for that Purpose, for the Education of the Children of the poorer Classes in *England*, to the Thirty-first Day of *March* One thousand eight hundred and thirty-five, and that the said Sum be issued without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding One hundred and thirty thousand Pounds, to defray the Charge of Civil Contingencies, to the Thirty-first Day of *March* One thousand eight hundred and thirty-five; and any Sum or Sums of Money not exceeding Twenty-eight thousand Pounds, on account of the *Rideau* Canal, and the Canals on the *Ottawa*, to the Thirty-first Day of *March* One thousand eight hundred and thirty-five, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Sixteen thousand six hundred and sixty-seven Pounds, to defray the Charges of the Salaries of the Governors, Lieutenant Governors, and others in His Majesty's *West India* Colonies, to the Thirty-first Day of *March* One thousand eight hundred and thirty-five, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Thirty thousand Pounds, to defray, to the Thirty-first Day of *March* One thousand eight hundred and thirty-five, the Salaries to the Special Justices appointed by virtue of an Act of the Third and Fourth Years of His present Majesty for the Abolition of Slavery in the *British* Colonies, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding One thousand four hundred and fifty-seven Pounds

20,000*l.* for Support of captured Negroes;

130,000*l.* for Convicts at *New South Wales*, &c.;

10,000*l.* for Commissioners of Public Records;

5,000*l.* for Fees for Turnpike Acts;

20,000*l.* for Erection of Schoolhouses in *England*;

130,000*l.* for Civil Contingencies;

28,000*l.* for *Rideau* and *Ottawa* Canals;

16,667*l.* for Salaries to Governors, &c. in the *West India* Colonies;

30,000*l.* for Salaries of Special Justices under 3 & 4 W. 4. c. 73;

1,457*l.* 15*s.* for Salaries for Seven Agents of Emigration;

Pounds Fifteen Shillings, to pay the Salaries of Seven Agents for Emigration at Ports in the United Kingdom, to the Thirty-first Day of *March* One thousand eight hundred and thirty-five, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Sixty thousand Pounds, to enable His Majesty to grant a Gratuity to the Officers, Seamen, and Royal Marines of His Majesty's Fleet who were present at the Battle of *Navarin* on the Twentieth Day of *October* One thousand eight hundred and twenty-seven, to be distributed in such Manner as His Majesty in Council shall direct; and any Sum or Sums of Money not exceeding Five thousand Pounds, to enable His Majesty to make a Grant to Captain *Ross*, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Ninety-five thousand four hundred and eighty-six Pounds, to pay the Salaries of His Majesty's Consuls General, Consuls, and Vice Consuls, and of the Superintendents of Trade at *Canton*, and also of the contingent Expences connected with the Public Duties of such Consuls General, Consuls, Vice Consuls, and Superintendents of Trade at *Canton*, to the Thirty-first Day of *March* One thousand eight hundred and thirty-five, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Fifty-four thousand eight hundred Pounds, to defray, to the Thirty-first Day of *March* One thousand eight hundred and thirty-five, Law Expences, Grants to the *Scottish* Universities, and other Charges in *Scotland*, formerly defrayed from the Hereditary Revenues, and not provided for on His Majesty's Civil List nor on the Consolidated Fund, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Two thousand five hundred Pounds, to enable His Majesty to deposit and place in the *British Museum* the Collection of *Egyptian* Antiquities now the Property of Mister *J. Sams*, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Ten thousand Pounds, to enable His Majesty to issue Money for the Erection of Schoolhouses, in aid of Private Subscriptions for that Purpose, for the Education of the Children of the poorer Classes in certain great Towns in *Scotland*, and for the Erection of Model Schools in *England*, to the Thirty-first Day of *March* One thousand eight hundred and thirty-five, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding One hundred twenty-five thousand two hundred and eighty-four Pounds Six Shillings and Sixpence, to pay to the *East India* Company the Amount due under the Authority of an Act of the Thirty-third Year of the Reign of King *George* the Third, being the Difference between the Par Value and the Market Value, on the Twenty-second Day of *April* One thousand eight hundred and thirty-four, of the Amount of the Consolidated *East India* Annuities which stood in the Name of the Company on that Day, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Ninety-nine thousand Pounds, to defray the Charge of the Civil and Military Establishments of the Island of *Saint Helena*, to the Twenty-second Day of *April* One thousand eight

60,000*l.* to Officers, Seamen, &c. present at *Navarin*;

5,000*l.* for a Grant to Captain *Ross*;

95,486*l.* for Salaries of Consul, &c. at *Canton*;

54,800*l.* for *Scottish* Universities, &c.;

2,500*l.* for *Egyptian* Antiquities now the Property of Mr. *J. Sams*;

10,000*l.* for erecting of Schoolhouses in *Scotland*, and Model Schools in *England*;

125,284*l.* 6*s.* 6*d.* for *East India* Company;

99,000*l.* for Civil and Military Establishments in *St. Helena*;

eight hundred and thirty-five, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Twenty-four thousand nine hundred Pounds, to defray, in the Year One thousand eight hundred and thirty-four, the Expences of the Commissioners appointed to inquire into the existing State of the Municipal Corporations in *Great Britain* and *Ireland*, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Ten thousand Pounds, to enable His Majesty to grant Relief to the distressed *Poles* now in this Country, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Twelve thousand seven hundred and fifty Pounds, to enable His Majesty to make a Grant to the Baptist Missionary Society, and to the Wesleyan Missionary Society, on account of Expences incurred in the Erection of certain Chapels destroyed in the Island of *Jamaica*, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Twenty thousand Pounds, to enable His Majesty to direct that Trial may be made of an Experiment to communicate with *India* by Steam Navigation, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding One thousand three hundred and ten Pounds Five Shillings, for the Purchase of the Collection of Fossil Organic Remains the Property of Mister *Thomas Hawkins*, to be deposited in the *British Museum*, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Seven thousand Pounds, to defray the Charge of preparing Prison Buildings at *Dartmoor*, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever.

24,900*l.* for Commissioners of Municipal Corporations in *Great Britain* and *Ireland*;

10,000*l.* for relieving the distressed *Poles* in this Country;

12,750*l.* to Baptist and Wesleyan Missionary Societies, &c.;

20,000*l.* for Steam Navigation to *India*;

1,310*l.* 5*s.* for Fossil Organic Remains the Property of Mr. *T. Hawkins*;

7,000*l.* for Prison Buildings at *Dartmoor*.

XVIII. And it is hereby also enacted, That out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding Twenty thousand Pounds, to enable the Lord Lieutenant of *Ireland* to issue Money for the Advancement of Education in *Ireland*, to the Thirty-first Day of *March* One thousand eight hundred and thirty-five, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Eighteen thousand nine hundred and nineteen Pounds, to defray the Expence of the Foundling Hospital in *Dublin*, to the Thirty-first Day of *March* One thousand eight hundred and thirty-five, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Twenty thousand Pounds, to defray the Expence of the House of Industry in *Dublin*, the Lunatic Department, and the Three General Hospitals attached, to the Thirty-first Day of *March* One thousand eight hundred and thirty-five, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Four hundred Pounds, to defray the Expence of the *Hibernian* Marine Society, to the Thirty-first Day of *March* One thousand eight hundred and thirty-five, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money

There shall be applied 20,000*l.* for Education in *Ireland*;

18,919*l.* for the Foundling Hospital in *Dublin*;

20,000*l.* for the House of Industry, &c.;

400*l.* for the *Hibernian* Marine Society;

1,000*l.* for the Female Orphan House, *Dublin*;

Money not exceeding One thousand Pounds, to defray the Expence of the Female Orphan House, to the Thirty-first Day of *March* One thousand eight hundred and thirty-five, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever;

2,500*l.* for the *Westmoreland* Lock Hospital;

and any Sum or Sums of Money not exceeding Two thousand five hundred Pounds, to defray the Expence of the *Westmoreland* Lock Hospital, to the Thirty-first Day of *March* One thousand eight hundred and thirty-five, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever;

1,200*l.* for the Lying-in Hospital;

and any Sum or Sums of Money not exceeding One thousand two hundred Pounds, to defray the Expence of the Lying-in Hospital, *Dublin*, to the Thirty-first Day of *March* One thousand eight hundred and thirty-five, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever;

1,500*l.* for Dr. *Stevens* Hospital;

and any Sum or Sums of Money not exceeding One thousand five hundred Pounds, to defray the Expence of Doctor *Stevens* Hospital, *Dublin*, to the Thirty-first Day of *March* One thousand eight hundred and thirty-five, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever;

3,800*l.* for the Fever Hospital, &c.;

and any Sum or Sums of Money not exceeding Three thousand eight hundred Pounds, to defray the Expence of the Fever Hospital and House of Recovery, *Cork Street*, *Dublin*, to the Thirty-first Day of *March* One thousand eight hundred and thirty-five, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever;

500*l.* for Hospital for Incurables;

and any Sum or Sums of Money not exceeding Five hundred Pounds, to defray the Expence of the Hospital for Incurables near *Dublin*, to the Thirty-first Day of *March* One thousand eight hundred and thirty-five, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever;

8,978*l.* for Roman Catholic College in *Ireland*;

and any Sum or Sums of Money not exceeding Eight thousand nine hundred and seventy-eight Pounds, to defray the Expence of the Roman Catholic College in *Ireland*, to the Thirty-first Day of *March* One thousand eight hundred and thirty-five, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever;

5,300*l.* for the Royal *Dublin* Society;

and any Sum or Sums of Money not exceeding Five thousand three hundred Pounds, to defray the Expence of the Royal *Dublin* Society, to the Thirty-first Day of *March* One thousand eight hundred and thirty-five, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever;

300*l.* for the Royal *Irish* Academy;

and any Sum or Sums of Money not exceeding Three hundred Pounds, to defray the Expence of the Royal *Irish* Academy, to the Thirty-first Day of *March* One thousand eight hundred and thirty-five, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever;

300*l.* for the Royal *Hibernian* Academy;

and any Sum or Sums of Money not exceeding Three hundred Pounds, to defray the Expence of the Royal *Hibernian* Academy for Painting and the Fine Arts, to the Thirty-first Day of *March* One thousand eight hundred and thirty-five, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever;

3,500*l.* for Royal *Belfast* Academical Institution;

and any Sum or Sums of Money not exceeding Three thousand five hundred Pounds, to defray the Expence of the Royal *Belfast* Academical Institution, to the Thirty-first Day of *March* One thousand eight hundred and thirty-five, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever;

15,000*l.* for the Advancement of Education in *Ireland*;

and any Sum or Sums of Money not exceeding Fifteen thousand Pounds, to enable the Lord Lieutenant of *Ireland*

Ireland to issue Money for the Advancement of Education, to the Thirty-first Day of *March* One thousand eight hundred and thirty-five, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Seventy-eight thousand five hundred Pounds, on account of the Expence of Criminal Prosecutions in *Ireland*, being the Sum required to defray the Charge of Arrears of Expences incurred beyond the Amount of the Grant to the Thirty-first Day of *March* One thousand eight hundred and thirty-four, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever.

78,500*l.* for Criminal Prosecutions in *Ireland.*

XIX. And it is hereby also enacted that out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding Seven hundred Pounds to defray the Expence of the Commissioners of charitable Donations and Bequests in *Ireland*, to the Thirty-first Day of *March* One thousand eight hundred and thirty-five, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Thirteen thousand Pounds, to defray the Expence of repairing and maintaining the several Public Buildings in the Department of the Commissioners of Public Works in *Ireland*, to the Thirty-first Day of *March* One thousand eight hundred and thirty-five, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Twenty-two thousand Pounds, to pay the Salaries and Expences of the Offices of the Chief Secretary to the Lord Lieutenant of *Ireland* in *Dublin* and *London*, and His Majesty's Privy Council Office in *Ireland*, also the Amount of His Majesty's Printer's Bill for Printing for the Public Offices in *Ireland*, to the Thirty-first Day of *March* One thousand eight hundred and thirty-five, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Twelve thousand two hundred and thirty-two Pounds, to defray the Charge of Salaries for the Officers and Attendants of the Household of the Lord Lieutenant of *Ireland*, and certain other Officers and Services formerly charged on the Civil List in *Ireland*, to the Thirty-first Day of *March* One thousand eight hundred and thirty-five, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Six thousand eight hundred and twenty-seven Pounds, to defray the Charge of the Offices of the Vice Treasurer and Teller of the Exchequer in *Ireland*, to the Thirty-first Day of *March* One thousand eight hundred and thirty-five, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Four thousand one hundred Pounds, to defray the Expence of publishing Proclamations, *et cætera*, in the *Dublin Gazette*, and Proclamations for Circulation, and for printing the Statutes, to the Thirty-first Day of *December* One thousand eight hundred and thirty-four, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Twenty-five thousand one hundred Pounds, to defray the Expence of Nonconforming Seceders and Protestant Dissenting Ministers in *Ireland*, to the Thirty-first Day of *March* One thousand

There shall be applied 700*l.* for Board of Charitable Bequests;

13,000*l.* for the Board of Works;

22,000*l.* for Secretaries to Lord Lieutenant, &c. of *Ireland*;

12,232*l.* for Salaries, &c. heretofore paid out of the Civil List;

6,827*l.* for the Offices of the Vice Treasurer and Teller of the Exchequer in *Ireland*;

4,100*l.* for printing Proclamations and Statutes;

25,100*l.* for Dissenting Ministers;

60,000*l.* for Criminal Prosecutions;

eight hundred and thirty-five, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Sixty thousand Pounds, to defray the Charge of Criminal Prosecutions, *et cætera*, in *Ireland*, to the Thirty-first Day of *March* One thousand eight hundred and thirty-five, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Seven thousand Pounds, in aid of the Funds for the Maintenance of the Police Departments of *Dublin*, to the Thirty-first Day of *March* One thousand eight hundred and thirty-five, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Three thousand five hundred and sixty-five Pounds, to defray the Expence of Public Works in *Ireland*, to the Thirty-first Day of *March* One thousand eight hundred and thirty-five, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Five thousand four hundred and seventy-three Pounds for the Repairs of *Dunmore* Harbour, to the Thirty-first Day of *March* One thousand eight hundred and thirty-five, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Three thousand Pounds, to defray the Expence of the Townland Survey of *Ireland*, to the Thirty-first Day of *March* One thousand eight hundred and thirty-five, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Two thousand five hundred Pounds, to pay the annual Compensation awarded to Sir *Abraham Bradley King*, late King's Stationer in *Ireland*, for Losses sustained by him by the Revocation of his Patent, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Thirteen thousand Pounds, to defray the Cost of finishing the several Portions of Roads in the Counties of *Galway* and *Mayo* as proposed to be completed by the Board of Public Works, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever.

7,000*l.* for the Police of *Dublin*;

3,565*l.* for Public Works;

5,473*l.* for *Dunmore* Harbour;

3,000*l.* for Townland Survey of *Ireland*;

2,500*l.* for Compensation to Sir *A. B. King*;

13,000*l.* for Roads, in *Galway*.

Supplies to be applied only for the Purposes aforesaid.

XX. And it is hereby also enacted, That the said Aids and Supplies provided as aforesaid shall not be issued and applied to any Use, Intent, or Purpose whatsoever other than the Uses, Intents, and Purposes before mentioned, or for the other Payments directed to be satisfied thereout by any Act or Acts, or any particular Clause or Clauses for that Purpose contained in any other Act or Acts of this Session of Parliament.

Rules to be observed in the Application of the Sum appropriated to Half Pay.

XXI. And as to the Sum of Six hundred and seven thousand Pounds by this Act appropriated on account of Half Pay as aforesaid, it is hereby enacted and declared, That the Rules hereafter prescribed shall be duly observed in the Application of the said Half Pay; (that is to say,) that no Person shall have or receive any Part of the same without taking an Oath to such Purport and Effect as shall be required in that Behalf by His Majesty's Warrants directing the Issue of the Half Pay to be received; that no Person shall have or

receive

receive any Part of the same who was under the Age of Sixteen Years at the Time when the Regiment, Troop, or Company in which he served was reduced; that no Person shall have or receive any Part of the same who did not do actual Service in some Regiment, Battalion, Troop, or Company in His Majesty's Service, except in Cases in which the Commission was received under Circumstances which did not, according to the Regulations of the Army, require the Officer to serve; that no Person shall have or receive any Part of the same who has resigned his Commission, and has had no Commission since; that no Part of the same shall be allowed to any Person by virtue of any Warrant or Appointment, except to such Person as would have been otherwise entitled thereto as a Reduced Officer; that no Person shall have or receive any Part of the same for any Time during which he shall hold any other Military Place or Employment of Profit under His Majesty, or in His Majesty's Colonies or Possessions beyond the Seas, except on the Staff or in Garrison; and that in such excepted Cases, or in Cases of his holding any Military Place or Employment of Profit under another Government, no Officer shall receive any Part of his Half Pay unless with His Majesty's Approbation, to be signified by the Secretary of War to the Paymaster General of His Majesty's Land Forces; and the Officer claiming the Half Pay in pursuance of such Approbation shall specify in his Oath or Affidavit the other Military Place or Employment of Profit on the Staff or in Garrison which he may hold or have held under His Majesty, or in the Colonies or Possessions of His Majesty beyond the Seas, or under any other Government; that no Person who shall, on or before the Twenty-eighth Day of *July* One thousand eight hundred and twenty-eight, have held any Civil Place or Employment of Profit under His Majesty, or in the Colonies or Possessions of His Majesty beyond the Seas, or under any other Government, shall have or receive any Part of the same for any Time during which he shall hold any such Civil Place or Employment of Profit under His Majesty, or in the Colonies or Possessions of His Majesty beyond the Seas, or under any other Government, except in Cases in which the same shall not exceed Three Times the Amount of the highest Rate of Half Pay attached to the Rank in virtue of which he claims to receive Half Pay, or as herein-after mentioned, nor in any such excepted Cases unless His Majesty's special Approbation be signified as aforesaid; and the Officer claiming the Half Pay in pursuance of such Approbation shall signify in his Oath or Affidavit the Civil Place or Employment of Profit which he may hold or have held as aforesaid; but if the net annual Emoluments of such Civil Place or Employment shall exceed Three Times the Amount of Half Pay as aforesaid, and shall fall short of Four Times that Amount, then it shall be lawful for the Paymaster General of the Land Forces, with His Majesty's Approbation, signified by the Secretary at War as aforesaid, to issue, on or after the Twenty-fourth Day of *December* One thousand eight hundred and thirty-four, so much of the Half Pay claimed by any such Officer as shall, together with the net annual Emoluments of the Civil Place or Employment, be equal to Four Times the Amount of such Half Pay; and the Officer claiming the Half Pay in pursuance of such Approbation shall specify in his Oath or Affidavit the Civil Place or Employment of Profit

Profit which he may have held as aforesaid, and the actual Amount of the Emoluments thereof, in such Manner and Form, and calculated up to such Period or Periods, as shall be required by the Secretary at War; that no Person who after the Twenty-eighth Day of *July* One thousand eight hundred and twenty-eight has been appointed to any Civil Place or Employment of Profit (except in His Majesty's Household) under His Majesty, or in the Colonies or Possessions of His Majesty beyond the Seas, or under any other Government, shall have or receive any Part of the same for any Time during which he shall hold any such Civil Place or Employment of Profit, except as aforesaid, under His Majesty beyond the Seas, or under any other Government, other than that of a Barrack Master under the Master General and Board of Ordnance, who shall, under the Restrictions before mentioned, be entitled to receive his Half Pay: Provided always, that nothing in this Act contained shall prevent any Person from receiving his Half Pay who shall be entitled to the same under any other Act or Acts relating to the General or Local Militia, or the Yeomanry or Volunteers, but that every such Person shall receive the same according to the Provisions of any such Act or Acts; and also every Surgeon, Serjeant Major, Serjeant, Corporal, and Private, serving in the General or Local Militia, or in any Corps of Yeomanry or Volunteers in *Great Britain* or *Ireland*, may and shall receive any Half Pay, together with any Pay in the General or Local Militia, or Yeomanry or Volunteers, upon the taking such Oath (if any) as shall be required in or by any Act or Acts, or specified in any Warrant of His Majesty, as the Case may be, and stating in such Oath the Commission or Employment which he held in the General or Local Militia, the Yeomanry or Volunteers.

Not to prevent the receiving of Half Pay under any Act relating to the General or Local Militia, &c.

Paymaster General, by Permission of the Treasury, may issue Half Pay to Officers appointed to Civil Offices since July 1828.

XXII. Provided always. That from and after the First Day of *January* One thousand eight hundred and thirty-five it shall be lawful for the Paymaster General to issue the Half Pay or any Portion thereof to any Officer appointed to Civil Office or Employment under His Majesty, or under any other Government, since the Twenty-eighth Day of *July* One thousand eight hundred and twenty-eight, if His Majesty's Pleasure to that Effect be signified by the Lords Commissioners of His Majesty's Treasury, or any Three of them, through the Secretary at War, but such Permission to be granted under the Restrictions before mentioned: Provided always, that an Account shall be laid before Parliament in every Year, on or before the First Day of *April*, if Parliament shall be then sitting, or if Parliament shall not then be sitting on the First Day of Parliament sitting after the First Day of *April*, of the Number of Officers who are allowed to receive their Half Pay with Civil Employments, specifying the Names of such Officers, with the respective Amount of their Half Pay and the Emoluments of their respective Civil Employments, and distinguishing in every such Account the Officers to whom such Half Pay shall have been allowed subsequent to preceding Accounts.

An Account of the Number of Officers so receiving Half Pay to be laid before Parliament.

Treasury may authorize Military Officers in Civil Employments to receive

XXIII. Provided always, and be it further enacted, That it shall be lawful for the Commissioners of the Treasury, or any Three or more of them, for the Time being, to authorize the receiving Half Pay

Pay by Military Officers with Civil Employments in any Cases in which the said Commissioners shall be of opinion that the Employment of such Military Officers in the Colonies or elsewhere, in Civil Situations of Responsibility, with small Emolument, will be conducive to Economy, and thereby beneficial to the Public Service; and in every such Case the Officer so authorized to receive Half Pay with the Salary or Emoluments of any Civil Employment shall signify the same in his Oath or Affidavit, specifying the Office, and the Authority under which he is so allowed to receive his Half Pay.

Half Pay in certain Cases.

XXIV. And whereas a considerable Part of the Money appropriated on account of Half Pay by an Act passed in the Third and Fourth Years of the Reign of His present Majesty, intituled *An Act to apply the Sum of Six Millions out of the Consolidated Fund to the Service of the Year One thousand eight hundred and thirty-three, and to appropriate the Supplies granted in this Session of Parliament*, has been issued without requiring, by Persons issuing or paying, and without the taking by the Persons receiving Half Pay, the Oaths prescribed to be taken by Officers claiming Half Pay; and Part of the said Monies has been paid to Officers claiming and entitled to Half Pay, who at the same Time held and may still hold the Situation of and serve respectively as Surgeons, Serjeant Majors, Serjeants, Corporals, or Privates in the General or Local Militia, or Yeomanry or Volunteer Corps, in *Great Britain* or *Ireland;* and it is expedient that all such Persons should be indemnified: Be it therefore enacted, That all Persons concerned in the advising, authorizing, or directing the issuing, or in the issuing of any Half Pay, or any Monies for Half Pay, or in the Application of any Money appropriated by the said Act for that Purpose, or in the receiving or being concerned in the receiving any Portion of the Money so appropriated for such Half Pay, without requiring or taking the said Oaths, or to or on account of any such Officers or Persons as aforesaid, shall be and are hereby fully indemnified, and shall be and are hereby fully exonerated and discharged from all Penalties, Forfeitures, Prosecutions, or Proceedings, in respect of any thing done in relation thereto, in all Cases in which such Half Pay, or Payment for or in respect of Half Pay, shall have been or may hereafter be issued or received in conformity with the Provisions of the said recited Act or this Act, and the Usages heretofore established and observed in relation to the issuing, paying, and receiving of Half Pay in all other respects, except so far as relates to the demanding, requiring, or taking the said Oaths; and all such Payments and Issues of Half Pay which shall have been or may be issued to any such Person as aforesaid shall be deemed valid and effectual Payments, and the Paymaster General, and all other Persons concerned in the issuing and paying the same, shall be and are hereby fully discharged and exonerated in respect thereof in all Accounts relating to such Issues and Payments; any thing contained in any Act or Acts, or any Law, Rules, or Regulations, relating to the issuing and paying of Half Pay, to the contrary notwithstanding.

3 & 4 W. 4. c 96.

Persons concerned in issuing, paying, and receiving Money for the Payment of Half Pay, without the Oaths having been taken as required, indemnified.

XXV. And whereas the Officers of the Royal Regiment of *Manx* Fencibles engaged to serve in the said Corps upon a Stipulation contained in the Letter of Service under which they were raised, that

Half Pay allowed to the Officers of the *Manx* Fencibles.

that they should be allowed to receive any Half Pay to which they might be entitled, notwithstanding their holding Subaltern Commissions in the said Corps; but no Provision has been made by Parliament for Payment of such Half Pay; and it is therefore expedient that Provision should be now made for the Payment of the Arrears of Half Pay to such Officers as aforesaid: Be it therefore enacted, That Officers who were entitled to Half Pay, and who accepted or held Subaltern Commissions in the Royal Regiment of *Manx* Fencibles, shall, notwithstanding their having held the Full Pay of such Commissions, be entitled to receive the Arrears of such Half Pay for any Year or Time in which they shall not have been allowed to receive the same, upon taking the Oath before the Officer usually administering Oaths to Persons for the Purpose of receiving Half Pay, that they had not, in any Year or Time for which such Arrear is claimed, any Office or Employment of Profit, Civil or Military, under His Majesty, besides their Allowance of Half Pay, save and except their Pay as such Subaltern Officers of the Royal Regiment of *Manx* Fencibles; and the taking the Oath shall, without taking any other Oath, be sufficient to entitle such Officer to receive his Half Pay.

Half Pay Allowances to Chaplains of Regiments not being in possession of Ecclesiastical Benefices derived from the Crown.

XXVI. And whereas Chaplains of Regiments who have been placed upon Half Pay have not been allowed to receive such Half Pay in some Years, in consequence of being in possession at the Time of certain Ecclesiastical Benefices or Preferments, though the same were not in the Patronage of the Crown: And whereas it has been judged fair and reasonable that they should be allowed to receive such Half Pay, though in possession of Ecclesiastical Preferment, provided the same was private Patronage, and not derived from the Crown; and that they should also be entitled to receive the Arrears of Half Pay for such former Years as aforesaid: Be it therefore enacted, That all Chaplains who, after having been placed upon Half Pay, shall have been refused or have been unable to receive such Half Pay in any Year, in consequence of holding any Ecclesiastical Benefice not derived from or in the Gift of the Crown, shall be entitled to receive the Arrears of such Half Pay for such Year, upon making Affidavit before the proper Officer for administering Oaths to Persons for entitling them to receive Half Pay, that they held no Ecclesiastical Benefice or Preferment in any Year derived from the Crown, nor any Place or Employment of Profit under His Majesty; and the taking the said Oath shall, without taking any other Oath, be sufficient to entitle such Chaplain to receive his Half Pay.

By 3 & 4 W. 4. c. 96. a Sum was appropriated to be paid to Half Pay Officers, the Surplus of which is hereby authorized to be disposed of as His Majesty shall direct.

XXVII. And whereas by the said recited Act passed in the Third and Fourth Years of the Reign of His present Majesty the several Supplies which had been granted to His Majesty as therein mentioned were appropriated to the several Uses and Purposes therein expressed amongst which any Sum or Sums of Money not exceeding Six hundred and thirty-two thousand Pounds in the whole was appropriated to be paid on account of Half Pay for the Year One thousand eight hundred and thirty-three, subject nevertheless to such Rules to be observed in the Application of the said Half Pay as in and by the aforesaid Act were prescribed in that Behalf: Now it is hereby provided. enacted. and declared, That so much of the said Sum of Six

hundred and thirty-two thousand Pounds as is or shall be more than sufficient to satisfy the said Reduced Officers, according to the Rules to be observed in the Application thereof, or any Part of such Overplus, shall and may be disposed of to such Officers who are maimed or have lost their Limbs in the late War, or such others as, by reason of their long Service, or otherwise, His Majesty shall judge to be proper Objects of Charity, or to the Widows or Children of such Officers, according to such Warrant or Warrants, under His Majesty's Royal Sign Manual, as shall be signed in that Behalf; any thing in this Act or in the said Act to the contrary notwithstanding.

Widows and Persons claiming Pensions or Allowances shall take the required Oath.

XXVIII. And as to the Sum of One hundred forty-seven thousand six hundred Pounds by this Act appropriated for defraying the Charge of Pensions to be paid to the Widows of Officers of His Majesty's Land Forces as aforesaid, and as to the Sum of One hundred sixty-four thousand five hundred Pounds by this Act appropriated for defraying the Charge of Allowances on the Compassionate List, of Allowances as of His Majesty's Royal Bounty, and of Pensions to Officers for Wounds, as aforesaid; it is hereby enacted and declared, That no Widow of an Officer of the Land Forces, and no Person claiming an Allowance on the Compassionate List, or of Allowances as of His Majesty's Royal Bounty, shall have or receive any Part of the same without taking an Oath to such Purport and Effect as shall be required in that Behalf by His Majesty's Warrant directing the Issue of such Pensions and Allowances to be received, such Oath to be taken before any Justice or Justices of the Peace, or other Person duly authorized to administer an Oath, or before the Cashier of Widows Pensions, or the First Assistant Examiner of the same, for the Time being, in the Office of the Paymaster General of His Majesty's Land Forces, who are hereby authorized to administer the same.

By whom the Oath to be administered.

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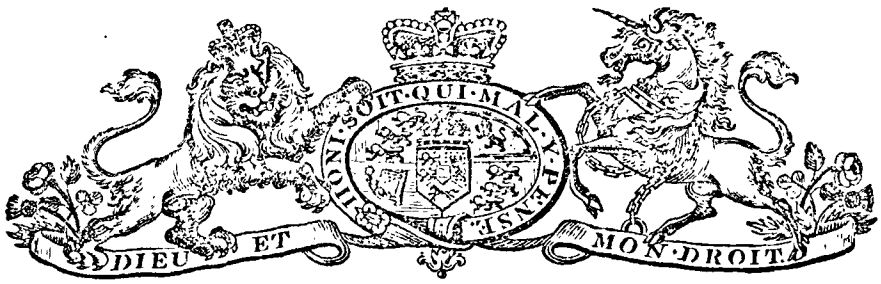

ANNO QUARTO & QUINTO

GULIELMI IV. REGIS.

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CAP. LXXXV.

An Act to amend an Act passed in the First Year of His present Majesty, to permit the general Sale of Beer and Cider by Retail in *England*.

[15th *August* 1834.]

WHEREAS much Evil has arisen from the Management and Conduct of Houses in which Beer and Cider is sold by Retail under the Provisions of an Act passed in the First Year of the Reign of His present Majesty, intituled *An Act to permit the general Sale of Beer and Cider by Retail in* England, and it is expedient to amend the Provisions of the said Act in certain Particulars; be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Commencement of this Act it shall be lawful for the Commissioners of Excise, or other Persons duly authorized, to grant Licences for the Sale of Beer, Ale, Porter, Cider, or Perry, under the Provisions of the said recited Act, to any Person applying for the same, but that such Licence shall not authorize the Person obtaining it to sell Beer or Cider to be drank or consumed in the House or on the Premises specified in the same Licence, unless the same be granted upon the Certificate herein-after required. 1 W. 4. c. 64.

Licences to be granted for Sale of Beer, but not to authorize Consumption thereof on the Premises unless granted upon Certificate.

Every Person applying for a Licence to sell Beer to be drank on the Premises to deposit with the Commissioners of Excise a Certificate of good Character signed by Six rated Inhabitants of the Parish, &c. and certified by One of the Overseers.

II. And be it further enacted, That every Person applying for a Licence to sell Beer or Cider by Retail, intending the same to be drank in the House or on the Premises, shall, in addition to the Application setting forth the Particulars required by the said recited Act, annually produce to and deposit with the Commissioners of Excise, Collector, Supervisor, or other Person authorized to grant such Licence within the Parish, Township, or Place in which the Person so applying intends to sell Beer or Cider by Retail, a Certificate signed by Six Persons residing in and being and describing themselves to be Inhabitants of such Parish, Township, or Place, and respectively rated therein to the Poor at not less than Six Pounds, or occupying a House therein rated to the Poor at not less than Six Pounds, none of whom shall be Maltsters, Common Brewers, or Persons licensed to sell Spirituous Liquors or Beer or Cider by Retail, nor Owners or Proprietors of any House or Houses licensed to sell such Liquors or Beer or Cider by Retail, stating that the Person applying for the Licence is of good Character, and that at the Foot of such Certificate One of the Overseers of the Parish, Township, or Place shall certify (if the Fact be so) that such Six Persons are Inhabitants respectively rated as aforesaid; and such Certificate and Licence shall respectively be in the Forms of the Schedule annexed to this Act: Provided always, that in any Parish, Township, or District maintaining its own Poor in which there are not Ten Inhabitants rated to the Relief of the Poor to the Amount of Six Pounds each, or not occupying Houses respectively rated to the Poor at Six Pounds each, (not being Maltsters, Common Brewers, or Persons licensed to sell Spirituous Liquors or Beer or Cider by Retail,) the Certificate of the Majority of such Inhabitants of such Parish, Township, or District maintaining its own Poor, as are rated to the Amount of Six Pounds each, shall be deemed to be a sufficient Certificate for the Purposes of this Act.

If not Ten rated Inhabitants in the Place the Certificate of the Majority of them.

Penalty on Overseers refusing to certify as required.

III. And be it enacted, That if any Overseer of any Parish, Township, or Place shall, after Application made to him by or on behalf of the Person applying for the Licence required by this Act, refuse or neglect to certify, if the Fact be so, that the Persons who have signed such Certificate are Inhabitants rated respectively as aforesaid, he shall forfeit and pay any Sum of Money not exceeding Five Pounds, to be recovered before any Justice of the Peace acting for the County in which such Parish, Township, or Place shall be situate, on Complaint of the Person by whom the Application shall have been made, unless such Overseer of the Poor shall show to the Satisfaction of such Justice reasonable Cause for such Neglect or Refusal.

Permitting drinking Beer in a neighbouring House or in any Shed, &c. with Intent to evade the Provisions of the Act, to

IV. And be it further enacted, That if any Person licensed to sell Beer or Cider not to be consumed upon the Premises shall, with Intent to evade the Provisions of this Act, take or carry, or authorize or employ or permit or suffer any Person to take or carry, any Beer or Cider out of or from the House or Premises of such licensed Person for the Purpose of being sold on his Account, or for his Benefit or Profit drunk or consumed in any other House, or in any

Tent, Shed, or other Building of any Kind whatever belonging to such licensed Person, or hired, used, or occupied by him, such Beer or Cider shall be deemed and taken to have been drunk or consumed upon the Premises, and the Person selling the same shall be subject to the like Forfeitures and Penalties as if such Beer or Cider had been actually drunk or consumed in any House or upon any Premises licensed only for the Sale thereof as aforesaid. be deemed drinking on the Premises.

V. And be it further enacted, That the Provisions in respect of billetting Soldiers in Victualling Houses contained in any Act of Parliament for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters, shall extend only to such Persons licensed under this and the said recited Act as shall be licensed to sell Beer or Cider to be drunk and consumed in the House or on the Premises, and shall not extend or be deemed or construed to extend to such Persons as shall be licensed to sell Beer or Cider not to be consumed on the Premises; any thing in the said recited Act or this Act to the contrary notwithstanding. To what Persons Provisions for billetting Soldiers under Mutiny Acts shall extend.

VI. And be it further enacted, That it shall be lawful for the Justices of the Peace of every County, Riding, Division, Franchise, Liberty, City, Town, and Place, in Petty Sessions assembled, and they are hereby required, to fix once a Year, within Thirty Days after the passing of this Act in this Year, and in every future Year, in the Counties of *Middlesex* and *Surrey* within the first Ten Days of the Month of *March*, and in every other County on some Day between the Twentieth Day of *August* and the Fourteenth Day of *September* inclusive, the Hours at which Houses and Premises licensed to sell Beer under this Act shall be opened and closed: Provided always, that any Person thinking himself aggrieved by any such Order to be so made may appeal to the Justices of the Peace in Quarter Sessions assembled, at any Time within Four Calendar Months after the making of such Order, giving to the Justices by whom such Order shall have been made Fourteen Days Notice of his Intention to appeal, and the Decision of the said Justices so assembled in Quarter Sessions shall be final and conclusive: Provided also, that the Hour so to be fixed for opening any such House shall not in any Case be earlier than Five of the Clock in the Morning, nor for closing the same later than Eleven of the Clock at Night, or before One o'Clock in the Afternoon on *Sunday*, *Good Friday*, *Christmas Day*, or any Day appointed for a Public Fast or Thanksgiving; and the Hours so fixed from Time to Time by such Justices, with reference to the Districts and Places within their respective Jurisdictions, shall be deemed and taken to be the Hours to be observed and complied with under this Act as fully as if the same had been specially appointed by this Act. Justices of the Peace to regulate the Times of opening and closing Houses. Appeal. Proviso as to the Hours to be fixed for opening and closing Houses.

VII. And be it further enacted, That it shall be lawful for all Constables and Officers of Police, and they are hereby authorized and empowered, to enter into all Houses which are or shall be licensed to sell Beer or Spirituous Liquors to be consumed upon the Premises when and so often as such Constables and Officers shall Empowering Constables, &c. to visit licensed Houses.

shall think proper; and if any Person having such Licence as aforesaid, or any Servant or other Person in his Employ or by his Direction, shall refuse to admit or shall not admit such Constable or Officer of Police into such House or upon such Premises, such Person having such Licence shall for the First Offence forfeit and pay any Sum not exceeding Five Pounds, together with the Costs of the Conviction, to be recovered within Twenty Days next after that on which such Offence was committed before One or more Justices of the Peace; and it shall be lawful for any Two or more Justices before whom any such Person shall be convicted of such Offence for the Second Time to adjudge (if they shall so think fit) that such Offender shall be disqualified from selling Beer, Ale, Porter, Cider, or Perry by Retail for the Space of Two Years next after such Conviction, or for such shorter Space of Time as they may think proper.

Penalty for making or using false Certificates.

VIII. And be it further enacted, That if any Person shall, in any Certificate required by this Act, certify any Matter as true, knowing the same to be false, or shall make use of any Certificate for the Purposes of this Act, knowing such Certificate to be forged, or the Matters certified therein to be false, every such Person shall, on Conviction of such Offence before Two or more Justices of the Peace, forfeit and pay the Sum of Twenty Pounds; and every Licence for the Sale of Beer or Cider by Retail which shall be granted to any Person who shall have made use of any such Certificate in order to obtain the same, such Person knowing such Certificate to be forged, or the Matters certified therein to be false, shall be void to all Intents and Purposes; and any Person who shall have made use of such Certificate shall for ever hereafter be disqualified from obtaining a Licence to sell Beer or Cider by Retail under the Provisions of the said recited Act or this Act.

Licences obtained on false Certificates to be void.

No Licence for Beer to be drank on the Premises to be granted without a Certificate.

IX. And be it further enacted, That no Licence for the Sale of Beer or Cider by Retail to be consumed or drank in the House or on the Premises shall be granted, except upon the Certificate hereby required: Provided always, that in all Extra-parochial Places the Certificate required by this Act may be signed and given by Inhabitants rated to the Poor at Six Pounds in any adjoining Parish or Parishes.

Retailers compellable to produce their Licences on Requisition of Two Magistrates.

X. And be it enacted, That in case any Complaint shall be laid before Two Justices of the Peace against any Person licensed for any Offence against the Tenor of his Licence, or against this Act or the said recited Act, it shall be lawful for the said Justices (if they shall think fit) to require such Person to produce his Licence before them for their Examination; and if such Person shall wilfully neglect or refuse so to do he shall forfeit and pay for such Offence such Sum, not exceeding Five Pounds, as the said Justices shall think proper; and such Person shall and may be convicted, proceeded against, and dealt with for such Offence in all respects in the same Manner, *mutatis mutandis*, as is directed by the said recited Act with regard to Persons guilty of a First Offence against the said Act; and the Penalty imposed

imposed for such Offence shall be applied in the same Manner as a Penalty for a First Offence against the said Act is thereby directed to be applied.

The Powers, Provisions, and Penalties of 1 W. 4. c. 64. to apply to Persons licensed under this Act, and to their Sureties, &c.

XI. And be it enacted, That all the Powers, Regulations, Proceedings, Forms, Penalties, Forfeitures, and Provisions contained in the said recited Act with reference to Persons licensed under the said Act, and to the Offences committed by such Persons against the said Act, or against the Tenor of any Licence granted under the said Act, and also with reference to the Sureties of such Persons, and to Persons doing the Things thereby prohibited without the Licence required by the said Act, shall (except where they are altered by this Act or are repugnant thereto) be deemed and taken to be applicable to all Persons licensed under this Act, and to all Offences committed by such Persons of the same Description as the Offences mentioned in the said Act, and to the Sureties of all such Persons in respect of such Offences, and to all Persons doing, without the Licence required by this Act, Things of the same Description as the Things prohibited without the Licence required by the said Act, as fully and effectually as if all the said Powers, Regulations, Proceedings, Forms, Penalties, Forfeitures, and Provisions had been repeated and re-enacted in this Act, with reference to Persons licensed under this Act, and to the Sureties of such Persons, and to Persons acting without the Licence required by this Act; and also that all the Powers, Regulations, and Provisions in the said Act contained, authorizing any Party convicted to appeal to the General Session or Quarter Sessions of the Peace against any Conviction under the said Act, shall also extend and apply to any Convictions under this Act.

Recited Act to continue in force, except as hereby altered.

XII. And be it enacted, That all the Provisions of the said recited Act shall be deemed and taken to be in full Force, save and except where the same are altered by this Act; and that so much of the said Act as relates to the Interpretation of certain Words therein mentioned shall be applied to the Interpretation of the same Words where used in this Act.

Duties on Beer Licences under the 1 W. 4. c. 64. repealed, and new Duties granted in lieu thereof.

XIII. And be it further enacted, That from and after the passing of this Act the Duties payable on Excise Licences for the selling of Beer by Retail under the Provisions of the said recited Act shall cease and determine, and that in lieu of such Duties there shall be levied, collected, and paid upon the Licences hereby authorized to be granted the Duties following; (that is to say,)

For and upon every Licence to be taken out by any Person for the selling by Retail of Beer not to be drank or consumed in or upon the House or Premises where sold, the annual Sum of One Pound One Shilling:

For and upon every Licence to be taken out by any Person for the selling by Retail of Beer to be drank or consumed in or upon the House or Premises where sold, the annual Sum of Three Pounds Three Shillings.

Such Duties to be under the Management of Commissioners of Excise, and to be recovered and accounted for under the Provisions of recited Act.

XIV. And be it further enacted, That the said last-mentioned Duties shall be under the Management of the Commissioners of Excise, and shall be raised, levied, collected, and recovered, and accounted for and paid in the same Manner and by the same Means, and under the same Regulations and Provisions, Pains, Penalties, and Forfeitures, as are prescribed in the said recited Act with respect to the Duties hereby repealed; all which said Regulations and Provisions, Pains, Penalties, and Forfeitures, shall apply to the Duties hereby imposed, and shall be enforced in respect of the same as fully and effectually as if repeated and re-enacted in this Act.

Not to affect Duty on Licences to retail Cider and Perry; but such Licences to state Particulars.

XV. Provided always, and be it further enacted, That nothing herein contained shall affect, or be deemed or construed to affect, the Amount of Duty payable according to the Provisions of the said recited Act on Licences to retail Cider and Perry; but in every such Licence shall be specified whether the same is granted for the Sale of Cider and Perry by Retail to be drank or consumed not in or upon the House or Premises where sold, or for the Retail of Cider and Perry to be drank and consumed in or upon the House and Premises where sold.

Licences under this Act not to authorize Persons to hold Licences for Sale of Wine.

Penalty on Persons licensed under this Act permitting Wine or Spirits to be consumed on the Premises.

XVI. And be it further enacted, That no Licence to be granted under the said recited Act and this Act for the Sale of Beer or Cider shall authorize any Person to take out or hold any Licence for the Sale of Wine, Spirits, or Sweets or Made Wines, or Mead or Metheglin; and if any Person licensed under the said recited Act and this Act to sell Beer or Cider shall permit or suffer any Wine or Spirits, Sweets or Made Wines, Mead or Metheglin, to be brought into his House or Premises to be drunk or consumed there, or shall suffer any Wine, Spirits, Sweets, Mead or Metheglin, to be drunk or consumed in his House or Premises by any Person whomsoever, such Person shall, over and above any Excise Penalty or Penalties to which he may be subject, forfeit Twenty Pounds, to be recovered, levied, mitigated, and applied in the same Manner as other Penalties (not being Excise Penalties) are by this Act to be recovered, levied, mitigated, and applied.

Penalty on unlicensed Persons selling Beer and Cider by Retail to be drank off the Premises, 10*l.*; to be drank on the Premises, 20*l.*

XVII. And be it further enacted, That every Person not being duly licensed to sell Beer, Cider, and Perry as the Keeper of a common Inn, Alehouse, or Victualling House who shall sell any Beer or Cider or Perry by Retail not to be drank or consumed in or upon the House or Premises where sold, without having an Excise Retail Licence in force authorizing him so to do, shall forfeit Ten Pounds; and every Person not being duly licensed to sell Beer, Cider, and Perry as the Keeper of a common Inn, Alehouse, or Victualling House who shall sell any Beer, Cider, or Perry by Retail to be drank or consumed in or upon the House or Premises where sold, without having an Excise Retail Licence in force authorizing him so to do, whether such Person shall or shall not be licensed to sell Beer to be drank or consumed off the Premises where sold, shall forfeit Twenty Pounds; which said Penalties shall be sued for and recovered, mitigated and applied, by the same Means

and under the same Provisions as any other Penalty may be sued for and recovered, mitigated and applied, under any Law or Laws of Excise.

The Board over the Door to state "Not to be drunk on the Premises,' or "To be drunk on the Premises.'

XVIII. And be it further enacted, That every Person who shall be licensed to sell Beer or Cider or Perry by Retail, under the Authority of the said recited Act and this Act, shall, on the Board by the said Act required to be placed over the Door of every Person licensed under the same, paint or cause to be painted and kept thereon, after the Words "Licensed to sell Beer or Cider by Retail," the additional Words "Not to be drunk on the Premises," or "To be drunk on the Premises," as the Case may be, on pain of forfeiting the Penalty by the said Act imposed for not having such Board affixed and continued over the Door.

What is a retailing of Beer, Cider, or Perry.

XIX. And whereas Doubts are entertained as to what is a selling of Beer or Cider or Perry by Retail; be it therefore enacted, That every Sale of any Beer, or of any Cider or Perry, in any less Quantity than Four Gallons and a Half, shall be deemed and taken to be a selling by Retail.

Persons licensed to sell Beer or Cider under this Act liable to Penalties for selling Spirits or Wine without Licence.

XX. And whereas Doubts have been entertained whether Persons licensed to sell Beer or Cider under the said Act of the First Year of His Majesty's Reign, who shall sell Spirits or Wine, or Sweets or Made Wines, or Mead or Metheglin, without being licensed so to do, are liable to the Penalties imposed by the Laws of Excise for selling Spirits or Wine, or Sweets or Made Wines, or Mead or Metheglin without Licence; be it therefore declared and enacted, That all Persons licensed under the said recited Act and this Act, selling Wine or Spirits, or any Sweets or Made Wines, or Mead or Metheglin, shall be liable to and shall incur all the Penalties imposed by the Laws of Excise for selling Spirits or Wine, Sweets or Made Wines, Mead or Metheglin, without Licence.

Certificate not to be required for Houses in certain Situations if Population exceed 5,000.

XXI. Provided always, and be it further enacted, That such Certificate shall not be required as to any House situated within the Cities of *London* and *Westminster*, or within any Parish or Place within the Bills of Mortality, nor within any City or Town Corporate, nor within the Distance of One Mile from the Place used at the last Election as the Place of Election or Polling Place of any Town returning a Member or Members to Parliament, provided that the Population, to be determined according to the last Parliamentary Census that shall have been taken in such City, Town Corporate, or Town returning a Member or Members to Parliament, shall exceed Five thousand: Provided always, that no Licence for the Sale of Beer, Ale, Porter, Cider, or Perry by Retail on the Premises in the Cities of *London* and *Westminster*, or in any Parish or Place within the Bills of Mortality, or in any such City or Town Corporate, or Town returning a Member or Members to Parliament as herein-before mentioned, shall be granted from and after the Fifth Day of *April* One thousand eight hundred and thirty-six, unless the House or Premises required to be specified as the House or Premises in which

Beer

Beer or Cider is intended to be sold shall be of the Value of Ten Pounds *per Annum*.

Service of Summons or Order.

XXII. Provided always, and be it further enacted, That no Summons or Order issued by any Justice of the Peace or other Magistrate shall be deemed to be legally served unless it shall be served by some Constable, Special Constable, Police or other Peace Officer.

Commencement of Act.

XXIII. And be it enacted, That this Act shall commence and take effect from and after the Tenth Day of *October* in the present Year.

SCHE-

SCHEDULE to which the foregoing Act refers.

Form of Certificate.

WE, the undersigned, being Inhabitants of the Parish [*or* Township, *as the Case may be,*] of and respectively rated to the Poor at not less than Six Pounds per Annum, and none of us being Maltsters, Common Brewers, or Persons licensed to sell Spirituous Liquors, or being licensed to sell Beer or Cider by Retail, do hereby certify, That *A. B.*, dwelling in Street [*here specify the Street, Lane, &c.*] in the said Parish [*or* Township, *&c.*] is a Person of good Character.

[*Here insert the Day of signing the Certificate.*]

(Signed) *E. F.*, *G. H.*, *I. K.*, *L. M.*, *N. O.*, *P. Q.* [*Here state the Residence of each of the Persons signing.*]

I do hereby certify, That all the above-mentioned Persons whose Names are subscribed to this Certificate are Inhabitants of the Parish [*or* Township, *&c.*] of rated to Six Pounds to the Relief of the Poor of the said Parish.

C. D.

[Overseer of the Parish *or* Township, *&c.*]

Date.

Form of Licence.

WE, the undersigned, being of the Commissioners of Excise [*or* I, the undersigned, being a Person authorized and employed by the Commissioners of Excise to grant Licences for selling Beer, Ale, and Porter [*or* Cider and Perry, *as the Case may require,*] by Retail, or being a Collector or Supervisor of Excise for the Collection or District of] do hereby authorize and empower *A. B.*, now being a Householder, and dwelling in a House in [*here specify Street, &c.*] in the Parish [*or* Township, *&c.*] of within the Limits of the Chief Office of Excise [*or* within the Limits of the said Collection or District], to sell Beer, Ale, and Porter [*or* Cider and Perry] by Retail, in order

that it may be consumed in the said Dwelling House of the said *A. B.* and in the Premises thereunto belonging, the said *A. B.* having duly entered into a Bond with *D. S.* of
and *E. S.* of as his [*or* her] Surety [*or* Sureties], and having deposited a Certificate, signed by Six Persons, videlicet, [*here set out the Names and Residences of the Persons signing the Certificate,*] and by *C. D.* the Overseer of the said Parish [*or* Township, *&c.*] according to the Statute in such Case made; provided and upon Condition that the said *A. B.* do not sell any Beer, Ale, or Porter made otherwise than from Malt and Hops [*omit these Words in Licences to retail Cider and Perry*], nor mix or cause to be mixed any Drugs or other pernicious Ingredients in any Beer, Ale, or Porter [*or* in any Cider or Perry], nor fraudulently dilute, deteriorate, or adulterate any Beer, Ale, or Porter [*or* any Cider or Perry], nor sell any Beer, Ale, or Porter [*or* any Cider or Perry], knowing the same to have been fraudulently diluted, deteriorated, or adulterated, nor use, in selling any Beer, Ale, or Porter [*or* any Cider or Perry], any Measures which are not of the legal Standard, or wilfully or knowingly permit any Drunkenness, or any violent or quarrelsome or other disorderly Conduct in his [*or* her] House or Premises, nor knowingly suffer any unlawful Games or any gaming whatsoever therein, nor knowingly permit or suffer Persons of notoriously bad Character to assemble and meet together therein, but do maintain good Order and Rule therein, nor have or keep his [*or* her] House or Premises open for the Sale of Beer, Ale, or Porter [*or* Cider or Perry], nor sell any Beer, Ale, or Porter [*or* Cider or Perry], nor suffer the same to be drunk or consumed in or at such House or Premises at any Time which, by any Order of the Justices of the Peace made in pursuance of an Act passed in the Fifth Year of His present Majesty's Reign, intituled *An Act to amend an Act passed in the First Year of His present Majesty, to permit the general Sale of Beer and Cider by Retail in* England, shall be declared to be unlawful, or at any Time before the Hour of One in the Afternoon, or between the Hours of Three and Five of the Clock in the Afternoon, or after the Hour of Ten of the Clock in the Evening, on any Sunday, Good Friday, Christmas Day, or any Day appointed for a Public Fast or Thanksgiving; and [*in Cases where the Licence shall be granted for Beer or Cider to be consumed on the Premises,*] all Provisions for billetting Officers and Soldiers in Victualling Houses contained in any Act for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters, are to extend and apply to the House and Premises mentioned in this Licence; and this Licence shall continue in force from the Day of next until the Day of then next ensuing, and no longer; provided and upon Condition that the said *A. B.* shall not in the meantime become a Sheriff's Officer or Officer for executing the Process of any Court of Justice; nor shall the said *A. B.* in the meantime cease to be rated to the Relief of the Poor in respect of the said House and Premises; and this Licence shall cease and determine and shall become void in case any of the Conditions or

Regulations contained therein shall be transgressed, or shall not be observed by the said *A. B.* Given under our Hands and Seals [*or* my Hand and Seal] this Day of One thousand eight hundred and at .

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ANNO QUARTO & QUINTO

GULIELMI IV. REGIS.

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CAP. LXXXVI.

An Act to explain certain Provisions in an Act of the Third and Fourth Years of His present Majesty, to provide for the Election of Magistrates and Councillors for the several Burghs and Towns of *Scotland* which now return or contribute to return Members to Parliament, and are not Royal Burghs. [15th *August* 1834.]

WHEREAS by an Act passed in the Third and Fourth Years of His present Majesty's Reign, intituled *An Act to provide for the Appointment and Election of Magistrates and Councillors for the several Burghs and Towns of* Scotland *which now return or contribute to return Members to Parliament, and are not Royal Burghs*, it was, *inter alia*, provided, that the Burghs or Towns of *Paisley*, *Greenock*, *Leith*, and *Kilmarnock* should be divided into Wards or Districts, which, together with the Number of Councillors to be chosen by each such Ward or District, should be fixed and ascertained by the Commissioners named and appointed by His Majesty to inquire into and report upon the Condition of the several Burghs and Towns of *Scotland*; in pursuance of which Enactment the Subdivision of the said Burghs or Towns into Wards or Districts, and the Number of Councillors to be annually elected in each of the said Wards or Districts, was duly reported by the said Commissioners 3 & 4 W. 4. c. 77.

Commissioners to His Majesty's Privy Council, and thereafter published by Royal Proclamation, bearing Date the Sixteenth Day of *October* One thousand eight hundred and thirty-three: And whereas by the said Act it was further enacted, that upon the First *Tuesday* of *November* One thousand eight hundred and thirty-four, and upon the same Day in every succeeding Year, the Electors should, in like Manner, in the said Burghs or Towns of *Paisley*, *Greenock*, *Leith*, and *Kilmarnock*, in their several Wards or Districts, assemble and elect, in manner therein-before prescribed in relation to the First Election under the said Act, One Third Part, or as nearly as may be One Third Part of the Council of each such Burgh or Town in the Place of the Third thereof who should as therein-after directed go annually out of Office, the Wards or Districts into which the Burghs or Towns divided into Wards or Districts are divided then electing such Number of Councillors as by the said Royal Commissioners such Wards or Districts should be directed to elect at such annual Elections subsequent to the First Election: And whereas it was thereby further enacted, that upon the said First *Tuesday* of *November* in the Year One thousand eight hundred and thirty-four, and in every succeeding Year, One Third, or a Number as near as may be to One Third of the whole Council of each such Burgh shall go out of Office, and in the said Year One thousand eight hundred and thirty-four the Third who should go out should consist of the Councillors who had the smallest Number of Votes at the Election of Councillors in the Year One thousand eight hundred and thirty-three; and in the succeeding Year One thousand eight hundred and thirty-five the Third of the Councillors first elected under the said Act who should go out should consist of the Councillors who at such First Election under the said Act had the next smallest Number of Votes (the Majority of the Council always determining, when the Votes for any such Person should have been equal, who should be the Persons to retire); and thereafter the Third of the Councillors so annually going out of Office should always consist of the Councillors who had been longest in Office; provided always, that any Councillors so going out of Office should be capable of being immediately re-elected: And whereas Doubts have been entertained as to the true Meaning and legal Effect of the above last-recited Clause of the said Act, and it is fit that all Hazard of Dispute and Litigation thereon arising should be removed: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That at the Second Election of Councillors, to take place on the First *Tuesday* of *November* after the passing of this Act, in each of the Wards or Districts, in Terms of the said recited Act and the said Royal Proclamation, there shall go out of Office an equal Number of Councillors with those then to be elected, which Councillors so going out shall be those who at the First Election in such Wards or Districts respectively had the smallest Number of Votes; and that at the Third Election of Councillors, to take place on the First *Tuesday* of *November* One thousand eight hundred and thirty-five, in each of such Wards or Districts, in Terms of the said recited Act and Royal Proclamation, there shall go out of Office an

Regulation as to Councillors going out of Office at the Second and Third Elections of Councillors.

equal Number of Councillors with those then to be elected, which Councillors so going out shall be those who in such Wards or Districts respectively had the next smallest Number of Votes at the said First Election.

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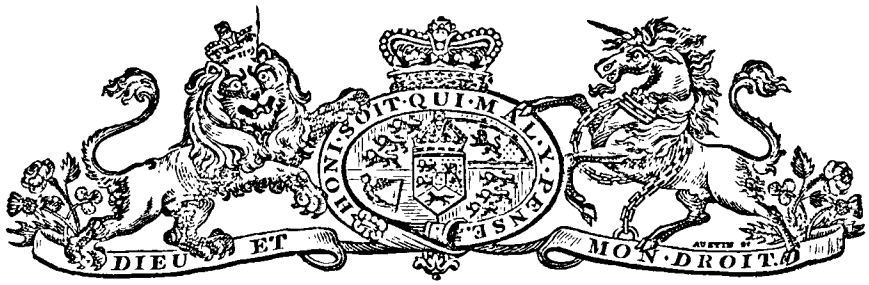

ANNO QUARTO & QUINTO

GULIELMI IV. REGIS.

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lished by Royal Proclamation, bearing Date the Sixteenth Day of *October* One thousand eight hundred and thirty-three, in Terms of the aforesaid Act: And whereas by the said recited Act it was further enacted, that upon the First *Tuesday* of *November* in the Year One thousand eight hundred and thirty-four, and in every succeeding Year, the Electors in such Burghs, *videlicet*, the Burghs contained in the said Schedule (C.), in their several Wards or Districts, should assemble and elect One Third Part, or as nearly as might be One Third Part of the Council of such Burghs in the Place of the Third thereof who should, as therein-after directed, go annually out of Office, the Wards or Districts into which the Burghs contained in the said Schedule (C.) are divided then electing such Number of Councillors as by the said Royal Commissioners such Wards or Districts should be directed to elect at such annual Election subsequent to the first Election: And whereas it was thereby further enacted, that upon the said First *Tuesday* of *November* in the Year One thousand eight hundred and thirty-four, and in every succeeding Year, One Third, or a Number as near as might be to One Third of the whole Council of each such Burgh, should go out of Office, and in the said Year One thousand eight hundred and thirty-four the Third who should go out should consist of the Councillors who had the smallest Number of Votes at the Election of Councillors in the Year One thousand eight hundred and thirty-three; and in the succeeding Year One thousand eight hundred and thirty-five the Third of the Councillors first elected under this Act who should go out should consist of the Councillors who at such First Election under the said recited Act had the next smallest Number of Votes (the Majority of the Council always determining, where the Votes for any such Person should have been equal, who should be the Persons to retire); and thereafter the Third of the Councillors so annually going out of Office should always consist of the Councillors who had been longest in Office; provided always, that any Councillors so going out of Office should be capable of being immediately re-elected: And whereas Doubts have been entertained as to the true Meaning and legal Effect of the above last-recited Provision of the said Act, and it is fit that all Hazard of Dispute and Litigation thereon arising should be removed: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That at the Second Election of Councillors, to take place on the First *Tuesday* of *November* next after the passing of this Act, in each of the Wards or Districts, in Terms of the said recited Act and the said Royal Proclamation, there shall go out of Office an equal Number of Councillors with those then to be elected, which Councillors so going out shall be those who at the First Election in such Wards or Districts respectively had the smallest Number of Votes; and that at the Third Election of Councillors, to take place on the First *Tuesday* of *November* One thousand eight hundred and thirty-five, in each of such Wards or Districts, in Terms of the said recited Act and Royal Proclamation, there shall go out of Office an equal Number of Councillors with those then to be elected, which

Regulation as to Councillors going out of Office at the Second and Third Elections of Councillors.

which Councillors so going out shall be those who in such Wards or Districts respectively had the next smallest Number of Votes at the said First Election.

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ANNO QUARTO & QUINTO

GULIELMI IV. REGIS.

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CAP. LXXXVIII.

An Act for the more effectual Registration of Persons entitled to vote in the Election of Members to serve in Parliament in *Scotland*.

[15th *August* 1834.]

WHEREAS an Act was passed in the Second and Third Years of the Reign of His present Majesty, intituled *An Act to amend the Representation of the People in* Scotland: And whereas a Right is given by the said recited Act to any Party dissatisfied with the Judgment of a Sheriff at the annual Registrations and Corrections to appeal to the Sheriffs or any Three of them liable in Attendance at the Autumnal Circuits of the Court of Justiciary, and such Sheriffs are thereby appointed to remain at or return to the Circuit Town after the Autumnal Circuit in each Year, and there hold their Court between the Fifteenth and Twenty-fifth Days of *September* in each Year, and to determine all such Appeals on or before the Twentieth Day of *October* thereafter: And whereas such Right of Appeal is liable to be defeated by such Circuit Courts not being terminated in such Time as to enable the Sheriffs to hold such Court of Appeal as thereby directed, and it is expedient that the said Act should in this respect be amended: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, 2 & 3 W. 4. c. 65.

Sheriffs Courts for Appeals as to Registrations to be held without Reference to Duration of Circuit Court of Justiciary.

Commons, in this present Parliament assembled, and by the Authority of the same, That the Sheriffs appointed by the said recited Act to judge in such Appeals shall hold their Courts as therein directed, without relation to the holding or Duration of the Circuit Court of Justiciary, and in the Event of the Incapacity or Absence of any of the said Sheriffs it shall be lawful to any Judge or Judges appointed to the Autumnal Circuits in the District in which such Vacancy occurs, and such Judge or Judges are hereby required, on the Motion of any Appellant or Respondent in an Appeal in such District, to nominate some other Sheriff or Advocate of Three Years standing to attend and officiate in the Stead of the Sheriff incapacitated or absent.

Recited Act to remain in force, except as hereby repealed.

II. And be it enacted, That the Provisions of the said recited Act, in so far as inconsistent with this Act, shall be and the same are hereby repealed, but the said Act shall in all other respects remain in full Force and Effect.

Act may be altered this Session.

III. And be it enacted, That this Act may be varied, altered, or repealed by any Act or Acts to be passed in the present Session of Parliament.

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Regulation. same shall, over and above any other Penalty to which he or they may become liable, forfeit the Sum of One hundred Pounds.

Slate, and Slates and Chalk, in Shipoutward bound, to be deemed Ballast.

III. And be it further enacted, That Slate, and Slates and Chalk, laden on board any Ship bound to Foreign Parts, shall be deemed to be Ballast, and that every such Ship having on board Slate, and Slates and Chalk, only, or either of them, shall be deemed to be a Ship departing in Ballast, and if on the Return of any such Ship any Slate, or Slates or Chalk, shall be remaining on board, the same shall be deemed to be the Ballast of such Ship.

No Abatement of Duty for Salvage.

IV. And whereas by the said last-mentioned Act the Commissioners of His Majesty's Customs are empowered and required to allow the Sale of any Property liable to the Payment of Duty saved from Sea, free from the Payment of all Duties, to the Amount of any Sum awarded, paid, or agreed to be paid in respect of such Salvage, or to the Amount of such other Sum as to the said Commissioners shall seem just and reasonable for the same, and it is expedient to repeal the same; be it therefore enacted, That from and after the passing of this Act so much of the said recited Act as is herein-before mentioned shall be and the same is hereby repealed.

No Abatement for Damage of Drugs.

V. And whereas by the said last-mentioned Act it is enacted, that in respect of certain Goods enumerated in a List contained in the said Act no Abatement of the Duties of Importation shall be made on account of Damage sustained during the Voyage, and it is expedient to disallow such Abatement in respect of certain Drugs also; be it therefore enacted, That such Abatement in respect of the Drugs herein-after mentioned shall be unlawful and disallowed in like Manner as it would be unlawful and disallowed if such Drugs had been included in the said List; (that is to say,) Cantharides, Coculus Indicus, Guinea Grains, Jalap, Ipecacuanha, Nux Vomica, Opium, Rhubarb, Sarsaparilla, and Senna.

Silk from Boulogne to Dover.

VI. And whereas by the said Act Manufactures of Silk, being the Manufactures of *Europe*, are prohibited to be imported into *Dover*, except from *Calais*; be it therefore enacted, That it shall be lawful to import such Manufactures into *Dover* from *Boulogne* in the same Manner as such Manufactures can be imported into *Dover* from *Calais* under the Provisions of the said Act.

Restrictions upon the Importatio of Tobacco of certain Descriptions altered.

VII. And whereas by the said last-mentioned Act certain Restrictions are laid down in respect of the Packages in which Tobacco may be imported into the United Kingdom; be it enacted, That the said Restrictions shall not extend to any Tobacco the Produce of and imported direct from *Mexico*, or from the Continent of *South America*, or from the Islands of *Saint Domingo* and *Cuba*, in Packages of not less than Eighty Pounds Weight each.

Packages for the Importation of Spirits.

VIII. And whereas by the said last-mentioned Act the Importation of Rum of and from the *British* Plantations, if in Casks, is restricted to Casks containing not less than Twenty Gallons, and the Importation of all other Spirits, not being perfumed or medicinal Spirits, if in Casks,

is restricted to Casks containing not less than Forty Gallons, and it is expedient to prevent the Evasion of such Restrictions by Persons using Cases, Vessels, or other Packages not being strictly Casks, but available for the Purposes of Casks; be it therefore enacted, That the said Restrictions shall be construed to apply to all Cases, Vessels, or Packages whatsoever capable of containing Liquids, and not being Glass Bottles, in like Manner as the same now apply to Casks; and that such Cases, Vessels, or Packages shall be, for the Purposes of such Restrictions, taken and deemed to be Casks within the Meaning of the said Act.

Regulation.

IX. And whereas a certain other Act was passed in the said last Session of Parliament, intituled *An Act for the Prevention of Smuggling*, and it is expedient to amend the same as herein-after mentioned; be it therefore enacted, That nothing in the said last-mentioned Act contained shall extend to render any Vessel of not less than Seventy Tons Burthen liable to Forfeiture on account of any Spirits in Glass Bottles, or to render any Vessel of not less than One hundred and twenty Tons Burthen liable to Forfeiture on account of any Tobacco the Produce of and coming direct from *Mexico* or the Continent of *South America*, or from the Islands of *Saint Domingo* and *Cuba*, in Packages of not less than Eighty Pounds Weight each, such Spirits and Tobacco being really Part of the Cargo of such Ship, and included in the Manifest thereof.

3 & 4 W. 4. c. 53. Spirits to be imported in Vessels of Seventy Tons at least.

X. And whereas by an Act passed in this Session of Parliament, intituled *An Act to repeal so much of an Act of the last Session of Parliament for the Prevention of Smuggling as authorizes Magistrates to sentence Persons convicted of certain Offences to serve His Majesty in His Naval Service, and to alter and amend the said Act*, certain Persons, for the Offences therein mentioned, are, upon Conviction, to be imprisoned in any House of Correction for certain Periods, and there kept to hard Labour: And whereas it is expedient that the actual Expence incurred by such Imprisonment should be defrayed out of the Consolidated Customs; be it therefore enacted, That the actual Expences incurred by any County, City, Borough, Liberty, Division, Franchise, or Town Corporate, in consequence of the Commitment of any Person to hard Labour under the before-mentioned Act, or any other Act relating to the Customs, shall be repaid out of the Consolidated Customs, by Warrant of the Lords Commissioners of His Majesty's Treasury, or any Two or more of them, in such Manner and to such Amount as they shall think fit to direct.

4 W. 4. c. 13. Actual Expences incurred by the Commitment of Smugglers to hard Labour to be paid out of Consolidated Duties.

Navigation.

XI. And whereas an Act was passed in the last Session of Parliament, intituled *An Act for the Encouragement of* British *Shipping and Navigation*: And whereas it is expedient to amend the same in manner hereafter provided; be it enacted, That for the greater Encouragement of Navigation no higher Duty of Stamps than Two Shillings shall be charged upon the Indenture of any Apprentice bound to serve at Sea in the Merchants Service, nor upon any Memorandum or Agreement made between the Master and Mariners of any Ship or Vessel for Wages or Service on any Voyage in such Ship

3 & 4 W. 4. c. 54. Stamps on Sea Indentures and Agreements to be 2s. only.

Navigation.

Ship or Vessel, any thing in any other Act to the contrary notwithstanding; and that all such Indentures, Memorandums, or Agreements made between the Twenty-ninth Day of *August* last and the passing of this Act, whereupon the Duty of Two Shillings only shall have been charged and paid, shall be valid and effectual to all Intents and Purposes whatsoever; any thing in any Act to the contrary notwithstanding.

Duties.

3 & 4 W. 4. c. 56. Honduras Mahogany warehoused in Possessions in America to be subject to the same Duty on Importation as if imported direct from the Bay of Honduras.

XII. And whereas an Act was passed in the last Session of Parliament, intituled *An Act for granting Duties of Customs*, and it is expedient to amend the same in manner herein-after mentioned; be it therefore enacted, That if any Mahogany which had been imported direct from the Bay of *Honduras* in a Ship cleared out from the Port of *Belize* into a free warehousing Port in any of the *British* Possessions in *America*, and there warehoused as having been so cleared and imported, shall be exported from the Warehouse, and imported direct into the United Kingdom, such Mahogany shall be subject in the United Kingdom to the same Duty as it would have been subject to if it had been imported direct from the Bay of *Honduras* in a *British* Ship cleared out from the Port of *Belize*, provided it shall appear in the proper Clearance of the Ship importing the same into the United Kingdom that such Mahogany had been so warehoused and exported from the Warehouse as aforesaid.

Spirits, although mixed, to pay Duties as such.

XIII. And be it further enacted, That Spirits or Strong Waters imported into the United Kingdom, mixed with any Ingredient, and although thereby coming under some other Denomination, shall nevertheless be deemed to be Spirits or Strong Waters within the Meaning of the said last-mentioned Act, and be subject to Duty as such.

Return of Duty on Barilla used in bleaching.

XIV. And be it further enacted, That for any Barilla used in the Process of bleaching of Linen a Repayment of the Duties which have been paid on the Importation of such Barilla shall be made to the Person so using the same, under such Regulations as the Commissioners of His Majesty's Customs shall direct.

Table of New Duties.

XV. And be it further enacted, That instead of the Duties imposed by the said last-mentioned Act, and set forth in a Table thereunto annexed, denominated "A Table of Duties of Customs Inwards," the several Duties set forth in Figures in the Table herein-after contained, and denominated "Table of New Duties, 1834," shall, in respect of such Goods as are mentioned therein, be raised, levied, collected, and paid unto His Majesty in like Manner as if such Duties had been imposed in and by the said Act, and had been set forth in the said Table thereunto annexed; (that is to say,)

TABLE OF NEW DUTIES, 1834.

		£	s.	d.
Apples, dried	the Bushel	0	2	0
Books in the Foreign living Languages, being of Editions printed in or since the Year One thousand eight hundred and one, bound or unbound	the Cwt.	2	10	0
Bottles of Earth or Stone, viz. empty	the Dozen	0	0	6
—— —— —— —— —— —— full		Free.		

	£	s.	d.	Duties.
Bronze, viz.				
—— all Works of Art made of Bronze - - the Cwt.	1	0	0	
—— other Manufactures of Bronze, for every One hundred Pounds of the Value - - - - - -	30	0	0	
Cassava Powder or Starch, the Produce of and imported from any British Possession in America - - - the Cwt.	0	1	0	
Currants - - - - - - the Cwt.	1	2	2	
Figs - - - - - - - the Cwt.	0	15	0	
Grapes, for every One hundred Pounds of the Value - -	5	0	0	
Matts and Matting, for every One hundred Pounds of the Value -	20	0	0	
—— imported from any British Possession, for every One hundred Pounds of the Value - - - - -	5	0	0	
Oil, viz.				
—— Animal Oil - - - - - the Cwt.	0	2	6	
—— Cocoa Nut Oil - - - - - the Cwt.	0	1	3	
—— Olive Oil - - - - - the Tun	4	4	0	
—— the Produce of or imported from any Part of the Dominions of the King of the Two Sicilies after Thirty-first of August One thousand eight hundred and thirty-four - - - the Tun	8	8	0	
—— imported in a Ship belonging to any of the Subjects of the King of the Two Sicilies after Thirty-first of August One thousand eight hundred and thirty-four - - the Tun	10	10	0	
[Note.—For the Power given to His Majesty in Council to reduce these Duties on Olive Oil, the Produce of or imported from the Dominions of the King of the Two Sicilies, see the Body of this Act.]				
—— Palm Oil - - - - - - the Cwt.	0	1	3	
Palmetto Thatch, the Produce of and imported from the British Possessions in America - - - the Cwt.	0	0	1	
Plantains, dried, the Produce of and imported from the British Possessions in America, for every One hundred Pounds of the Value - - - - - - - - -	5	0	0	
Pears, dried - - - - the Bushel	0	2	0	
Plums, commonly called French Plums and Prunelloes - the Cwt.	1	0	0	
Prunes - - - - - - - the Cwt.	0	7	0	
Raisins - - - - - - the Cwt.	0	15	0	
——, the Produce of and imported from any British Possession, the Cwt.	0	7	6	
Seal Skins of British taking, imported direct from the Fishery or from a British Possession - - - the Dozen Skins	0	0	1	
Spirits, viz.				
—— Liqueurs, the Produce of and imported from the British Possessions in America, viz.				
not being of greater Strength than the Strength of Proof by Syke's Hydrometer - - - the Gallon	0	9	0	
being of greater Strength - - - the Gallon	0	13	6	

XVI. And whereas in the Table of Duties herein-before contained Duties higher than in other Cases are imposed upon Olive Oil, being the Produce of the Dominions of the King of the Two *Sicilies*, or being imported from those Dominions, and it may become expedient to reduce the said Duties; be it therefore enacted, That it shall be lawful for His Majesty, by His Order in Council, to reduce the said Duties to any Sum not being less than the Duty payable upon Olive Oil the Produce of or imported from other Places: Provided always, that

Duties on Olive Oil, the Produce of the Dominions of the King of Sicily, may be reduced by an Order in Council.

Duties.

that during the Continuance of any such Distinction of Duty, before any Olive Oil shall be entered as being the Produce of some Place not within the Dominions of the King of the Two *Sicilies*, a Certificate shall be produced from the *British* Consul residing at or near the Place at which such Oil was taken on board the importing Ship, testifying that Proof had been made to his Satisfaction that such Oil was not the Produce of any Place within those Dominions.

Export Duty on Coals in British Ships repealed.

XVII. And be it further enacted, That so much of the said last-mentioned Act as imposes any Duty upon the Exportation in *British* Ships of Coals, Culm, or Cinders, according to the Weight thereof, shall be and the same is hereby repealed: Provided always, that nothing herein contained shall tend to exempt such Coals from the Duty payable upon the Exportation of Goods according to the Value thereof; and that in lieu of the Duties of Exportation now payable upon any Coals, Culm, or Cinders, when exported in a Foreign Ship, the Duty of Four Shillings the Ton shall in all Cases be payable.

Exception of Woollen Exports from Duty repealed.

XVIII. And be it further enacted, That so much of the said last-mentioned Act as excepts Woollen Goods, or Woollen and Cotton mixed, or Woollen and Linen mixed, exported to any Place within the Limits of the *East India* Company's Charter, from Payment of Duty on Exportation from the United Kingdom, shall be and the same is hereby repealed.

9 G. 4. c. 60. Corn Duties to be collected under same Regulations as other Duties. 6 G. 4. c. 111.

XIX. And whereas by an Act passed in the Ninth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to amend the Laws relating to the Importation of Corn*, certain Duties therein imposed upon Corn, Grain, Meal, and Flour are made payable under the Provisions of an Act passed in the Sixth Year of the said Reign, intituled *An Act for granting Duties of Customs*, and which Act has been repealed; be it therefore enacted, That the said Duties shall be raised, levied, collected, and paid in such and the same Manner in all respects as the several Duties of Customs mentioned and enumerated in the Table of Duties of Customs Inwards annexed to an Act passed in the last Session of Parliament, intituled *An Act for granting Duties of Customs*, are now raised, levied, collected, and paid.

3 & 4 W. 4. c. 56.

Warehouses.

3 & 4 W. 4. c. 57. Wine, Spirits, or other Fluid lost by Accident in the Warehouse, Duties to be remitted. As to Goods in Warehouses of special Security.

XX. And whereas another Act was passed in the said last Sessions of Parliament, intituled *An Act for the warehousing of Goods*, and it is expedient to amend the said Act in manner hereafter mentioned; be it therefore enacted, That it shall be lawful for the Commissioners of His Majesty's Customs to remit or return the Duties payable or paid on the whole or any Portion of Wine, Spirits, or other Fluid which shall be lost by any unavoidable Accident in the Warehouse in which the same shall have been deposited under the Provisions of the above recited Act or any other Act to be passed for the warehousing of Goods; and that the Duties payable upon the following Articles deposited in Warehouses of special Security, (that is to say,) Wine, Currants, Raisins, Figs, Hams, Cheese, and Mahogany, when taken out of Warehouse for Home Use, shall be charged upon the

Quantities ascertained by the Measure or Weight of the same actually delivered. *Warehouse.*

East India Company may continue to warehouse Goods as heretofore.

XXI. And whereas Doubts have arisen whether the *East India* Company are authorized as heretofore to receive into their Warehouses, and to manage, after the Twenty-second Day of *April* One thousand eight hundred and thirty-four, any fresh Goods the Property of other Persons than the said Company; be it therefore enacted and declared, That it is and shall be lawful for the said Company, during the Time necessary to the due closing of their Commercial Business, to continue to receive into their Warehouses and to manage any Goods imported from Places within the Limits of their Charter, in the same Manner as they were authorized to receive and manage such Goods on or immediately before the said Twenty-second Day of *April* One thousand eight hundred and thirty-four; any thing in any Act or Acts to the contrary notwithstanding.

Possessions Abroad.

3 & 4 W. 4. c. 59.

Spirits and Tobacco may be imported into Guernsey, &c. from Foreign Parts, and may be exported thence, in Vessels of Seventy Tons.

XXII. And whereas one other Act was passed in the said last Session of Parliament, intituled *An Act to regulate the Trade of the* British *Possessions Abroad*, by which Brandy, Geneva, or other Spirits, and Tobacco, were permitted to be imported from the United Kingdom into the Islands of *Jersey*, *Guernsey*, *Alderney*, or *Sark*, or either of them, in Ships of the Burthen of Seventy Tons at least, and it is expedient to extend the like Permission to Brandy, Geneva, or other Spirits, and Tobacco, imported from Foreign Parts into the said Islands, and exported from the said Islands; be it therefore enacted, That it shall be lawful to import into the Islands of *Jersey*, *Guernsey*, *Alderney*, or *Sark*, Brandy, Geneva, or other Spirits, and Tobacco, from Foreign Parts, in Packages required by Law, in Ships of the Burthen of Seventy Tons at least, and to export the like Goods from the said Islands in Ships of the like Tonnage.

Power of Seizure by Officers employed in the Service of Customs, &c.

XXIII. And whereas it is expedient to extend the Powers of Seizure given by the said last-mentioned Act; be it therefore enacted, That all Goods, and all Ships, Vessels, and Boats, and all Carriages and Cattle, liable to Forfeiture under any Act now in force, or hereafter to be made, relating to the Trade of the *British* Possessions Abroad, or any Act relating to the Customs, or to Trade or Navigation, shall and may be seized and secured by any Officer of the Customs or Navy, or by any Person employed for that Purpose, by or with the Concurrence of the Commissioners of His Majesty's Customs; and every Person who shall in any way hinder, oppose, molest, or obstruct any such Officer or Person so employed as aforesaid in the Execution of his Duty, or any Person acting in his Aid or Assistance, shall forfeit the Sum of Two hundred Pounds.

Officers making collusive Seizures, and Persons offering Bribes to Officers, subject to Penalties.

XXIV. And be it further enacted, That if any Officer or Officers of Customs, or any Person duly employed for the Prevention of Smuggling, in any of the *British* Possessions Abroad, shall make any collusive Seizure, or deliver up, or make any Agreement to deliver up, or not to seize, any Vessel, Boat, or Goods liable to Forfeiture under any Law relating to the Customs, or Trade or Navigation, in any of His Majesty's Possessions Abroad, or shall take any Bribe, Gratuity,

Possessions Abroad.

Gratuity, Recompence, or Reward for the Neglect or Nonperformance of his Duty, every such Officer or other Person shall forfeit for every such Offence the Sum of Five hundred Pounds, and be rendered incapable of serving His Majesty in any Office whatever, either Civil or Military; and every Person who shall give, or offer or promise to give, or procure to be given, any Bribe, Recompence, or Reward to, or shall make any collusive Agreement with, any such Officer or Person as aforesaid, in any of His Majesty's Possessions Abroad, to induce him in any way to neglect his Duty, or to do, conceal, or connive at any Act whereby any of the Provisions of any such Act of Parliament relating to the Customs, Trade, or Navigation Abroad may be evaded, shall forfeit the Sum of Two hundred Pounds.

Seized Goods, if unclaimed for a Month, to be condemned, and dealt with accordingly.

XXV. And be it further enacted, That all Vessels, Boats, Goods, and other Things which shall have been or shall be hereafter seized as forfeited in or near any of the *British* Possessions Abroad, under any Law relating to the Customs, or to Trade or Navigation, shall be deemed and be taken to be condemned, and may be dealt with in the Manner directed by Law in respect to Vessels, Boats, Goods, and other Things seized and condemned for Breach of any such Laws, unless the Person from whom such Vessels, Boats, Goods, and other Things shall have been seized, or the Owner of them, or some Person authorized by him, shall, within One Calendar Month from the Day of seizing the same, give Notice in Writing to the Person or Persons seizing the same, or to the Collector, Comptroller, or other Chief Officer of Customs, at the nearest Port, that he claims the Vessel, Boat, Goods, or other Things, or intends to claim them.

In Places where there is no Comptroller of Customs, Acts done by Collector or principal Officer alone to be valid.

XXVI. And be it further enacted, That every Act, Matter, or Thing required by any Law at any Time in force to be done or performed by, to, or with the Collector and Comptroller of Customs in any of His Majesty's Possessions Abroad shall and may be done or performed at such Ports or Places where there is no Comptroller of Customs by, to, or with the Collector or other principal Officer of Customs; and every such Act, Matter, or Thing so done or performed by, to, or with such Collector or other principal Officer of Customs shall be as valid and effectual in Law as if the same had been done and performed by, to, or with any Collector and Comptroller of Customs under any Law now in force or hereafter to be made.

2 & 3 W. 4. c. 78. not repealed by any Act passed in the last Session of Parliament.

XXVII. And whereas by an Act passed in the Second and Third Year of the Reign of His present Majesty, intituled *An Act to continue certain Acts relating to the Island of* Newfoundland, *and to provide for the Appropriation of all Duties which may hereafter be raised within the said Island*, Provision was made for the Appropriation of the net Produce of all Duties levied within the said Colony by any Act of Parliament then or thereafter to be in force there, and for the Deduction from and out of such net Proceed in each and every Year of a Sum not exceeding Six thousand five hundred and fifty Pounds, to be applied in the Manner, for the Purposes, and under the Authority therein mentioned: And whereas Doubts may arise whether the Provisions aforesaid, or some of them, were not repealed or abrogated by some or one of the Acts so passed as aforesaid in the last

last Session of Parliament; be it therefore, for the Removal of such Doubts, declared and enacted, That nothing in any Act passed in the last Session of Parliament contained did or doth repeal, abrogate, annul, or alter the said recited Act passed as aforesaid in the Second and Third Year of His Majesty's Reign, or any Part thereof, or any of the Provisions therein contained, but that from and out of the net Proceeds of all Duties levied from Year to Year within the said Colony of *Newfoundland*, by any Act of the last Session of Parliament, or any Act thereafter passed or to be passed such Deduction shall be annually made as in the said Act passed in the Second and Third Year of His Majesty's Reign is mentioned, and that the Sum of Money so from Year to Year to be deducted shall be applied from Time to Time in such Manner and for such Purposes and under such Authority as in the said Act so passed in the Second and Third Year of His Majesty's Reign is particularly mentioned and set forth.

Possessions Abroad.

XXVIII. And whereas Steam Vessels, according to their Register Tonnage, afford greater Accommodation for Passengers on short Voyages than Sailing Vessels; be it therefore enacted, That for the Purposes of an Act passed in the Fourth Year of His late Majesty's Reign, intituled *An Act for regulating Vessels carrying Passengers between* Great Britain *and* Ireland, every Steam Vessel which is of the Register Tonnage of One hundred and forty Tons, or upwards, shall be deemed to be a Vessel of Two hundred Tons at least.

Passengers.

Tonnage of Steam Vessels carrying Passengers to and from Ireland.

XXIX. And whereas in and by the several Acts repealed as aforesaid by the said first-mentioned Act of the Third and Fourth Year of His Majesty's Reign, or in and by some of them, His Majesty, with the Advice of His Privy Council, was authorized to make Orders for the various Purposes in such Acts respectively in that Behalf mentioned: And whereas in pursuance and exercise of the Powers in the said repealed Acts or some of them so contained His Majesty and His late Majesty King *George* the Fourth did, by the Advice of Their respective Privy Councils, make divers Orders, which Orders in Council, or some of them, were in force at or immediately before the Time at which the said recited Act of the Third and Fourth Year of His Majesty's Reign took effect and came into operation: And whereas Doubts may arise whether in consequence of the Repeal of the several Acts aforesaid the said Orders in Council have not ceased to be binding and in force: And whereas it is expedient that such Doubts as aforesaid should be removed; be it therefore enacted and declared, That all Orders made by His Majesty or by His late Majesty King *George* the Fourth, with the Advice of Their respective Privy Councils, in pursuance of any of the Acts so repealed as aforesaid, so far as the same or any of them were or was in force at or immediately before the Time when the said Act of the Third and Fourth Year of His Majesty's Reign came into operation, did, notwithstanding that Act, continue in full Force as though that Act had not been made, and shall hereafter continue in full Force, unless and until the same or any of them shall be either in whole or in part rescinded and revoked by His Majesty, with the Advice of His Privy Council.

Certain Orders in Council declared to be in force.

Passengers.

Stamp on Plate Bond reduced.

XXX. And be it further enacted, That all Bonds given to prevent the Relanding of Plate in respect of which any Drawback shall be allowed upon the Exportation thereof shall be liable only to the same Duties of Stamps as any Bonds given for in respect of the Duties of Customs, or for preventing Frauds or Evasions thereof, are or shall be liable to under any Act for the Time being in force for granting Duties of Stamps.

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ANNO QUARTO & QUINTO

GULIELMI IV. REGIS.

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CAP. XC.

An Act to amend an Act made in the Third and Fourth Year of the Reign of His present Majesty, intituled *An Act to alter and amend the Laws relating to the Temporalities of the Church of* Ireland. [15th *August* 1834.]

WHEREAS an Act was passed in the last Session of Parliament, intituled *An Act to alter and amend the Laws relating to the Temporalities of the Church in* Ireland: And whereas it is expedient to amend the said Act: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall and may be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being, and His Majesty's Privy Council there, in the Case of the Deanery of *Lismore* now vacant, when they shall so think fit, at any Time after the passing of this Act, and in the Case of any and every other Ecclesiastical Dignity or Office under the Rank of an Archbishoprick or Bishoprick, the Person holding which shall not have actual Cure of Souls within any Parish appropriated thereto, and also in the Case of any and every Rectory whereof the King shall be Patron, or the Right of Presentation or Collation whereunto shall be in any Archbishop, Bishop, or other Dignitary, or in any Ecclesiastical Corporation, and the Rector whereof shall not have actual Cure of Souls therein, whensoever after the passing of this Act any such Dignity, Office, or Rectory

3 & 4 W. 4. c. 37.

The appointment to Sinecure Dignities may be suspended by Lord Lieutenant and Council, on the Recommendation of the Ecclesiastical Commissioners.

tory shall become void in any Manner whatsoever, upon the Recommendation of the Ecclesiastical Commissioners for *Ireland*, signified by any Instrument under their Corporate Seal, if the said Lord Lieutenant or other Chief Governor or Governors and Council shall so think fit, to order and direct that the Appointment to such Dignity, Office, or Rectory shall be suspended until such Lord Lieutenant or other Chief Governor or Governors and Council shall think fit otherwise to direct; and in the meantime, and for and during such Period as such Dignity, Office, or Rectory shall remain vacant, all and every the Tithes, Glebes, Lands, Rents, Profits, and Emoluments whatsoever belonging or appertaining thereto, and all Arrears of such Tithes, Rents, Profits, and Emoluments which may have accrued due since the same may have become void as aforesaid, shall be vested in and received by the said Ecclesiastical Commissioners, to be by them applied towards the like Purposes as the other Monies and Funds accruing to or vested in them under the Provisions of the said Act; and the said Ecclesiastical Commissioners shall have all and every the like Remedies for the Recovery of such Tithes, Glebes, Rents, Lands, Profits, and Emoluments, and all Arrears thereof, as any Person filling such Dignity, Office, or Rectory might or would have, and shall be for all such Intents and Purposes in the Place and Stead of such Person: Provided always, that in the Case of any such Suspension as aforesaid it shall and may be lawful for the Chapter of any Diocese or Cathedral Church, or Members thereof, to nominate and appoint some fit and proper Person to perform and exercise all such Acts and Duties in relation to the Property of any such Chapter or Cathedral Church or otherwise as might or ought to have been or be performed or exercised by any Successor in such Dignity or Office so suspended if such Successor had been appointed; and such Person so nominated and appointed shall have all such Powers and Authorities, and be subject to all such Liabilities, in relation to the Performance of such Acts and Powers, Spiritual or other Duties, as any such Successor, if duly appointed, would have had or been subject to; and all the Acts of the Persons so appointed shall be of equal Force and Validity as the Acts of any such Successor if so appointed.

Lord Lieutenant and Privy Council empowered to remove Suspension.

II. Provided always, and be it further enacted, That if in any Case it shall seem expedient to the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being and His Majesty's Privy Council there, to remove any such Suspension and to give Authority for the Appointment to any Office, Dignity, or Rectory, subject to the Severance therefrom of all and every the Tithes, Glebes, Lands, Rents, Profits, and Emoluments whatsoever appertaining thereto, it shall be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being and His Majesty's Privy Council there, to remove such Suspension accordingly, on the Condition herein-before contained.

Patronage of suspended Dignity, how to be exercised.

III. Provided also, and be it further enacted, That whenever any Right of Presentation, Nomination, or Appointment to any Vicarage or Perpetual or other Curacy shall be annexed or incident to any Office Dignity, or Rectory, the Appointment to which shall be so

suspended,

suspended, then and in every such Case such Right of Presentation, Nomination, or Appointment shall, upon every Avoidance of such Vicarage or Perpetual Curacy which shall happen during such Suspension, belong to and be exercised by the same Person or Persons, or Body or Bodies Corporate, by whom the Right of Appointment to such Office, Dignity, or Rectory might have been exercised in case the same had not been suspended.

Charges upon suspended Benefices, how to be regulated.

IV. And whereas it is by the said recited Act, amongst other things, enacted, that it shall and may be lawful for the said Commissioners to settle and adjudge the Proportions of Crown Rents, Port Corn Rents, Pensions, Procurations, Synodals, and the Salaries of the Schoolmasters of the Diocesan Schools, which the Incumbents of any Parish or Parishes divided or augmented pursuant to the Provisions of the said recited Act are respectively to pay: And whereas it is expedient that the said Provision should be extended to other Charges affecting such Parishes; be it therefore enacted, That all Duties, Powers, and Authorities which are imposed upon or vested in the said Commissioners by virtue of the said recited Act and of this Act, or of either of them, touching or concerning the Settlement or Adjudication of the Proportions of such Crown Rents, Port Corn Rents, Pensions, Procurations, Synodals, and Salaries so to be paid as aforesaid, shall extend and be applicable to the Settlement and Adjudication of the Proportions of all other Charges whatever charged upon or payable out of such divided or augmented Parishes to be paid by the several Incumbents thereof respectively after such Division or Augmentation; and such last-mentioned Proportions shall be adjusted and registered in such Manner as in and by the said Act is directed, and shall be binding and conclusive upon the said several Incumbents of such divided or augmented Parish or Parishes respectively, and their respective Successors, any Law or Custom to the contrary notwithstanding.

The Tithes, &c. of Parishes in which there may be no Vicar or Perpetual Curate may be disappropriated from the Dignities to which they are annexed, in like Manner as the Tithes of Parishes in which there shall be such Vicars or Curates.

V. And whereas the Provisions of the said Act for the Disappropriation of Parishes, or the Tithes or Portions of Tithes and Glebes thereof, from the Dignities to which the same may be united or appropriated, are limited to Cases in which there are Vicars or Curates discharging the Duties of such Parishes; and it is expedient to remove such Limitation; be it therefore enacted, That where there shall not be any Vicar or Curate in any Parish which, or the Tithes or any Portions of the Tithes and Glebes whereof, may be appropriated or united to any Archbishoprick, Bishoprick, Deanery, Archdeaconry, Dignity, Prebend, or Canonry, it shall and may be lawful for the said Lord Lieutenant or other Chief Governor or Governors and Council, if they shall so think fit, by and with the Consent and Approbation of the Archbishop, Bishop, Dean, Archdeacon, Dignitary, Prebendary, or Canon thereof, or whensoever such Archbishoprick, Bishoprick, Deanery, Archdeaconry, Dignity, Prebend, or Canonry shall be void, to disappropriate, disunite, and divest such Parish, and all Tithes, Portions of Tithes, or Glebes thereunto belonging, from and out of such Archbishoprick, Bishoprick, Deanery, Archdeaconry, Dignity, Prebend, or Canonry, and, if they shall so think fit, to order and direct that such Parish, Tithes or Portions of Tithes, or Glebes, so disunited shall from thence-

thenceforward be united and annexed to any neighbouring Rectory, Vicarage, or Perpetual Curacy, as herein-after mentioned, or shall be and become for ever a separate Benefice and Parish: Provided nevertheless, that in the Rectory, Vicarage, or Perpetual Curacy to which such disappropriated Parish Tithes or Portions of Tithes or Glebes may be united, or in the separate Benefice and Parish into which the said disappropriated Parish, Tithes or Portions of Tithes, or Glebes may be formed, Divine Service shall be constantly and duly celebrated; and if the same shall be made a separate Benefice and Parish, then and in such Case it shall and may be lawful for the King's Majesty, or other Person or Persons, or Body or Bodies Corporate, having the Right of Nomination, Appointment, or Presentation to such Archbishoprick, Bishoprick, Deanery, Archdeaconry, Dignity, Prebend, or Canonry, from Time to Time to present, collate, nominate, and appoint a Clerk to be the Incumbent of such Parish; and such Clerk when duly presented, instituted or collated, and inducted, and his Successors, shall be and become Bodies Politic and Corporate, and shall be perpetually endowed with all the Tithes, Portions of Tithes, and Glebes so belonging to such Parish, and so disappropriated, disunited, and divested as aforesaid, and shall have the actual Cure of Souls of and within the said Parish.

Perpetual Curate of any Parish disunited from Benefice to become Rector of such Parish.

VI. And be it enacted, That where under this or any other Act any Parish in which there shall be any Perpetual Curate endowed shall be disappropriated or disunited from any Ecclesiastical Dignity or Benefice, such Curate shall immediately upon such Disappropriation or Disunion, and by virtue thereof, be and become Rector or Vicar, as the Case may be, of the Parish so disappropriated or disunited; and such Perpetual Curacy shall merge in the said Rectory or Vicarage.

Lord Lieutenant may unite to any adjoining or neighbouring Parish any Rectory, &c. disappropriated from any Dignity.

VII. And be it further enacted, That in any Case in which the said Lord Lieutenant or other Chief Governor or Governors of *Ireland* and Council shall have Power and Authority under the Provisions of the said recited Act or this Act, and shall think fit, to disappropriate, disunite, and divest any Rectory, Vicarage, Tithes or Portions of Tithes, and Glebes, or Part or Parts thereof, from and out of any Archbishoprick, Bishoprick, Deanery, Archdeaconry, Dignity, Prebend, or Canonry, it shall and may be lawful for such Lord Lieutenant or other Chief Governor or Governors and Council, if they shall so think fit, to unite and annex to any adjoining or neighbouring Rectory, Vicarage, or Perpetual Curacy as aforesaid, such Rectory, Vicarage, Tithes, or Glebes, or any Part or Parts or Portions thereof respectively, which shall so have been disappropriated, disunited, or divested as aforesaid, together with the actual Cure of Souls within such Rectory or Vicarage, or such Part or Parts thereof as shall be so united or annexed respectively, or within such Place or Places respectively whereof the Tithes or Glebes shall be so united and annexed; and in such Case the said Lord Lieutenant or other Chief Governor or Governors and Council shall direct and regulate the Rotations or Turns in which the Right of Presentation or Nomination to such adjoining or neighbouring Rectory, Vicarage, or Perpetual Cure shall upon any and every future Avoidance thereof belong to or be exercised by and between the King's Majesty, His Heirs and Successors, and by and between

between any other Person or Persons, or Corporation or Corporations, in like Manner as the said Lord Lieutenant or other Chief Governor or Governors and Council are authorized and empowered to do in case any Rectory, Vicarage, Tithes or Portion of Tithes, or Glebes or Portions thereof, has or have been or shall be united to any Vicarage or Perpetual Curacy pursuant to the Provisions of the said recited Act.

The Provisions of 3 & 4 W. 4. c. 37. s. 124. extended to Ministers Money.

VIII. And whereas by the said Act it is made lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, with the Privy Council there, in case of Vacancy, or with the Consent therein mentioned, to disappropriate, disunite, and divest any Rectory, Vicarage, Tithes or Portions of Tithes, or Glebe, from any Archbishoprick, Bishoprick, Deanery, Archdeaconry, Dignity, Prebend, or Canonry, and to unite the same to the Vicarages, Perpetual or other Curacies of such Parishes respectively, so as to form a distinct Parish or Benefice; be it enacted, That the said Provision shall extend to Parishes in Towns where Ministers Money is paid, whether there be any Tithe or Glebe belonging thereto or not; and that it shall and may be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, with the Privy Council there, in case of a Vacancy, or with the Consent of the Dignitary, Prebendary, Canon, or other Ecclesiastical Person having the Cure of Souls in any such Parish in Right of or Appointment to his said Dignity, Prebend, or Canonry, to disunite, disappropriate, and separate such Parish, and the Cure of Souls therein, and the Emoluments belonging thereto, whether consisting of Glebe, Tithes, Ministers Money, or other Payment, from the said Dignity, Prebend, or Canonry, so as to constitute such Parish for ever a separate and distinct Benefice, to be presented to when vacant in the like Manner as the said Dignity, Prebend, or Canonry to which it was attached before such Separation.

Parishes appropriated and becoming vacant, not to be filled up until One Calendar Month after Notice to Commissioners.

IX. Provided always, and be it further enacted, That whensoever after the passing of this Act any Deanery, Archdeaconry, Dignity, Prebend, or Canonry to which any Rectory, Vicarage, Tithes, or Glebes, or any Part or Parts, Portion or Portions thereof respectively, or Ministers Money, or other Payment or Emolument as aforesaid, shall be appropriated or united, and not being in the Gift or Disposition of His Majesty, shall become void, and whensoever after the passing of this Act any Benefice whereof the Patronage or Right of Presentation or Collation shall be in any Archbishop, Bishop, or other Dignitary, and in which Benefice Divine Worship shall not have been celebrated for the Three Years next preceding the First Day of *February* One thousand eight hundred and thirty-three, shall become void, then and in either of such Cases it shall not be lawful to fill up such Vacancy or to appoint any Successor or Successors in such Deanery, Archdeaconry, Dignity, Prebend, or Canonry or Benefice, until the Expiration of One Calendar Month after Notice in Writing shall have been given to the said Ecclesiastical Commissioners by the Corporation or Person having the Patronage or Right of Appointment or Election thereunto, of such Vacancy or Avoidance having occurred; and any Election, Appointment, Presentation, Collation, Institution, or Induction which shall be made contrary to the true Intent and Meaning of the said recited Act or of this Act shall be null and void to all Intents and Purposes whatsoever;

whatsoever; and it shall and may be lawful for the said Lord Lieutenant and Council, and for the said Ecclesiastical Commissioners respectively, to exercise all Powers with which they are respectively invested, in relation to such Deanery, Archdeaconry, Dignity, Prebend, or Canonry or Benefice, by the said recited Act or this Act, in such Manner as if the same were absolutely void: Provided always, that the Certificate of the Ordinary that Divine Service has not been celebrated in any such Benefice for Three Years next preceding the First Day of *February* One thousand eight hundred and thirty-three shall be conclusive Evidence of such Fact for all the Purposes of this Act and of the said recited Act.

Lord Lieutenant and Council may apportion Charges on Dignities from which Disappropriations may be made.

X. And be it further enacted, That it shall and may be lawful to and for the said Lord Lieutenant or other Chief Governor or Governors and Council, whenever they shall, by virtue of the Powers in that Behalf in them vested, have disappropriated the Temporalities or any Part of the Temporalities of any Dignity, or shall have divided old Parishes, or separated any Parish or Part of a Parish heretofore united, to make such Order as to them shall seem expedient for the Extinguishment or Payment of any Charge or Charges or of any Part thereof to which such Dignity or Parish or Benefice, or the Person or Persons succeeding to the same, are or may by Law be liable, and to direct to whom, and by whom, and out of what Funds, and in what Sums and Proportions, and at what Time or Times, such Charges or any Part of the same as are to be payable are thereafter to be paid, and by what Means and Proceedings and by and against whom the same are thereafter to be recoverable.

In Cases of Disappropriations, Lord Lieutenant to apportion Dilapidation Charges.

XI. And be it further enacted, That in case the Lord Lieutenant or other Chief Governor or Governors of *Ireland* shall, pursuant to the Provisions of the said recited Act and of this Act, or of either of them, have disappropriated, disunited, or divested from any Archbishoprick, Bishoprick, Deanery, Archdeaconry, Dignity, Prebend, or Canonry any Rectory, Vicarage, Tithes or Portions of Tithes, or Glebes, or Part or Parts thereof, and in case the Person or the Representatives of the Person upon whose Removal or Death any such Disappropriation, Disunion, or Divestiture shall have been made, shall, by virtue of any Law or Statute, be entitled to receive from the next Successor of such Person in such Archbishoprick, Bishoprick, Deanery, Archdeaconry, Dignity, Prebend, or Canonry any Sum or Sums of Money on account of any Purchase of or Addition to Glebes, or of any Buildings or Improvements, or of Money paid by such Person to his immediate Predecessor on such Accounts respectively, then and in every such Case it shall and may be lawful for such Lord Lieutenant or other Chief Governor or Governors and Privy Council to order and direct that such Sum or Sums of Money shall be charged and chargeable in such Shares and Proportions as they shall think just and reasonable upon the several Parishes, Tithes or Portions of Tithes, or Glebes, or Part or Parts thereof respectively theretofore united and appropriated to such Archbishoprick, Bishoprick, Deaconry, Archdeaconry, Dignity, Prebend, or Canonry; and such Shares and Proportions shall be paid and payable by the several Incumbents of such Parishes respectively,

or by the Person or Persons thereafter to be entitled to such Tithes or Portions of Tithes, and Glebes, or Part or Parts thereof respectively, to such Person and at such Times and in such Manner as the Whole of such Sum or Sums of Money would have been payable by virtue of any Law or Statute in force in *Ireland* in case such Disappropriation, Disunion, or Divestiture had not taken place: Provided always, that it shall and may be lawful for every such Incumbent or other Person, or his Representative, having paid any such Share or Proportion in manner aforesaid, to receive and recover from his next and immediate Successor such Part of such Share and Proportion at such Time and by such Ways and Means as if such Share or Proportion had been paid by him to his next and immediate Predecessor by virtue of any Law or Statute in force in *Ireland*.

Ecclesiastical Commissioners may recover Dilapidations from Bishops in the First Column of Schedule (B) annexed to the 3d & 4th W. 4. c. 37. or from their Representatives, in like Manner as a Successor.

XII. And whereas it is by the said recited Act provided, that the said Ecclesiastical Commissioners shall within a certain Period pay to the Executors or Administrators of Doctor *Richard Bourke*, late Bishop of *Waterford*, all and every such Sum of Money as, pursuant to any Statute or Law in force in *Ireland*, could or might have been recovered by such Executors or Administrators against the Successor of the said late Bishop in case such Act had not been made; and it is also by the said Act further provided, that the said Commissioners shall at certain Periods, from and after the respective Vacancies of the other Bishopricks (save and except the Bishopricks of *Ossory* and of *Cork* and *Ross*) named in the First Column of the Schedule (B.) to the said Act annexed, or the Annexation thereof to any Bishoprick in the Second Column of the said Schedule named, pay to the Person or his Representatives, as the Case may be, by whose Promotion or Death such Vacancy shall have been occasioned, or who shall become the Bishop of any such united Bishopricks, all such Sums of Money as would have been payable by or recoverable against any Successor in such Bishopricks in such First Column named in case the said Act had not been made; but no Provision is made by the said Act enabling the said Ecclesiastical Commissioners to recover for Dilapidations suffered or committed by the said Doctor *Richard Bourke*, or other Bishops as aforesaid; be it therefore enacted, That the said Ecclesiastical Commissioners shall and may recover from the Representatives of the said Doctor *Richard Bourke*, and from the Bishop of each and every Bishoprick in the First Column of the said Schedule named (save and except the Bishopricks of *Ossory* and of *Cork* and *Ross* aforesaid) being or becoming void or united to any other Bishoprick under the Provisions of the said Act, or from the Representatives of such Bishop, all and every such Sums or Sum of Money as the Successor or Successors of such Bishop of *Waterford*, or other Bishop (if such had been appointed), might or could have recovered under any Law or Statute in force in *Ireland* from the Representatives of the said Doctor *Richard Bourke*, or from such other Bishop or his Representatives, for or on account of Dilapidations, in case the said recited Act had not been passed; and that the said Ecclesiastical Commissioners shall have, for ascertaining the Extent of such Dilapidations, and for the Recovery of such Money as may be due on account thereof, all such Remedies as the Successor or Successors of any such Bishop could or might have used if the said recited

Commissioners to have such Means for ascertaining and recovering Amount

of Dilapidations as Successor would have had.

recited Act had not been passed; and it shall be lawful for the said Ecclesiastical Commissioners to deduct from and out of any Money which they are or may be liable under the Provisions of the said recited Act to pay to the Representatives of the said Doctor *Richard Bourke*, or any other such Bishop, his Executors or Administrators, such Sums as are or shall be respectively payable by or recoverable from the Representatives of the said Doctor *Richard Bourke*, or such other Bishop, his Executors or Administrators, for or on account of such Dilapidations, in like Manner as the Successor or Successors of the said Doctor *Richard Bourke*, or any other such Bishop, might have deducted the same under any Law or Statute in force in *Ireland* if the said recited Act had not been passed.

Proceedings already taken for ascertaining or Recovery of Dilapidations to be valid.

XIII. And be it further enacted, That all such Proceedings as may already have been taken by or on behalf of the said Ecclesiastical Commissioners for the ascertaining or Recovery of any Money on account of Dilapidations in or upon the See House, Offices, Lands, or Improvements of the said Bishoprick of *Waterford*, or of any other Bishoprick named in the First Column of the Schedule (B.) to the said recited Act annexed, which may be or have become vacant or united to any other Bishoprick under the Provisions of the said recited Act, are and shall be and be deemed to have been as valid and effectual to all Intents and Purposes as if the same had been taken by or on behalf of the immediate Successor or Successors, lawfully appointed and invested, of the Bishop by whom such Dilapidations may have been committed or suffered.

Commissioners may recover for Dilapidations committed in Ferns and Leighlin and Cloyne.

XIV. And be it enacted, That when and as the Bishopricks of *Ferns* and *Leighlin* and of *Cloyne* respectively shall be united to the Bishopricks of *Ossory* and of *Cork* and *Ross*, the said Ecclesiastical Commissioners shall and may in like Manner, and by all such and the like Means, recover from the Persons or their Representatives by whose Promotion or Death such Vacancy shall have occurred or been occasioned, or who shall become the Bishops of such united Sees, all such Sums as the Successors in such Bishopricks of *Ferns* and *Leighlin* and *Cloyne* respectively would have been entitled to recover for Dilapidations in case this Act had not been made.

See Houses of Bishopricks in the First Column of the said Schedule (B.) shall vest in Bishops of united Bishopricks electing transferred to such See Houses.

XV. And be it further enacted, That whenever pursuant to the Provisions of the said recited Act, and with such Consent as therein required, the See House of any Bishoprick in the First Column of the Schedule (B.) to the said Act annexed shall be or have been chosen to be the See House of any united Bishoprick, such See House, and the Offices, and the Whole or a Part only of the Mensal or Demesne Lands thereto belonging, which are set out as a fair Equivalent for the Whole or a Part only of the surrendered Mensal or Demesne Lands belonging to the Bishoprick in the Second Column of the Schedule (B.), as the Case may be, shall without any Grant or Conveyance whatsoever be divested out of the said Ecclesiastical Commissioners, and become vested in the Bishop of such united Bishoprick, and annexed thereto, and thereafter continue to be to all Intents and Purposes the See House, Offices, and Mensal or Demesne Lands of such united Bishoprick.

XVI. And

The Title to Lands, &c. now vested in Board of First Fruits shall vest in Ecclesiastical Commissioners.

XVI. And be it enacted, That all Lands, Tenements, and all Estates, Terms, and Interests therein, whether legal or equitable, and all Benefit and Right of Renewal of or in the same, which at the Time of the passing of the said recited Act were or now are vested in the Trustees and Commissioners of First Fruits in *Ireland*, shall be and the same are hereby absolutely transferred to and vested in the said Ecclesiastical Commissioners and their Successors, in like Manner, and upon and for the like Trusts, Intents, and Purposes, as the same were heretofore vested in the said Trustees and Commissioners of First Fruits.

Declaring the Meaning of the Clause of recited Act empowering the Archbishops of Armagh and Dublin to present a Fellow of Trinity College to certain selected Benefices;

XVII. And whereas it is by the said Act provided that upon each and every Avoidance happening after the Period in the said Act mentioned of certain Benefices to be selected from and out of the Benefices belonging to each of the Bishopricks mentioned in the First Column of the Schedule (B.) to the said Act annexed, it shall and may be lawful for the Archbishop of *Armagh* and Archbishop of *Dublin* to nominate and present to each such Benefice one of the Fellows or Ex-fellows of the College of the Holy and Undivided Trinity, near *Dublin*, being in Holy Orders; provided always, that in case the said Two Archbishops shall not be able to agree in such Nomination and Appointment, or shall decide upon the Person to be appointed to the said vacant Benefice, the first Turn therein to be exercised by the Archbishop of *Armagh*; and if on the Vacancy of any of the said Benefices so selected as aforesaid the said Archbishop shall not present thereto some such Fellow or Ex-fellow within such Period as any Patron ought to present to a Benefice in his Gift or Presentation, then and in such Case the Right of Presentation or Collation to such Benefice shall for that Turn devolve to the Bishop of the Diocese and be in all respects subject to the ordinary Law of Lapse: And whereas it is necessary to explain and amend the said herein-before recited Provision; be it therefore enacted and declared to be the Meaning of the said recited Provision, That upon each and every Avoidance of the Benefices selected as aforesaid, happening after the Time in the said Act mentioned, it shall and may be lawful for the said Archbishop of *Armagh* and Archbishop of *Dublin* to nominate and present to each such Benefice one of the Fellows or Ex-fellows of the College of the Holy and Undivided Trinity, near *Dublin*, being in Holy Orders; and that if on the Vacancy of any of the said Benefices, so selected as aforesaid, the said Archbishops shall not present thereto some such Fellow or Ex-fellow within such Period as any Patron ought to present to a Benefice in his Gift or Presentation, then and in such Case the Right of Presentation or Collation to such Benefice shall for that Turn devolve to the Bishop of the Diocese, and be in all respects subject to the ordinary Law of Lapse.

as also the Clause providing for Liabilities upon the Bishopricks of Ferns and Cloyne.

XVIII. And whereas it is necessary to explain and amend certain Provisions of the said recited Act in respect of the Bishopricks of *Ferns* and *Leighlin* and *Ossory*, and of *Cloyne* and *Cork* and *Ross*; be it therefore enacted and declared to be the Meaning of the said recited Act, That the said Ecclesiastical Commissioners shall, by such Instalments, to be made in such Manner and at such Periods from and after

after the respective Periods when the Bishoprick of *Ferns* and *Leighlin* shall become united to the Bishoprick of *Ossory*, and the Bishoprick of *Cloyne* united to that of *Cork* and *Ross*, as any Successors thereto would have been respectively bound or liable if such Successors had been appointed, pay to the Persons or their Representatives by whose Promotion or Death such Vacancies shall have occurred or been occasioned, or who shall become the Bishops respectively of such united Bishopricks, all and every such Sum or Sums of Money as would have been payable by or recoverable against the several Successors in the said Bishoprick of *Ferns* and *Leighlin* and Bishoprick of *Cloyne* respectively, in case the said Act had not been passed; and that the Bishops of such united Bishopricks of *Ferns* and *Leighlin* and of *Ossory* shall be and become liable to the Payment of all such like Sum or Sums of Money as any Successor or Successors in the said Bishoprick of *Ossory* would have been in case the said Act had not been passed; and the Bishops of such united Dioceses of *Cloyne* and of *Cork* and *Ross* shall be and become liable to the Payment of all such like Sum or Sums of Money as any Successor or Successors in the said Bishoprick of *Cork* and *Ross* would have been in case the said Act had not been passed: Provided that nothing herein contained shall, in the Event of the now Bishops of *Ossory* and of *Cork* and of *Ross* becoming respectively Bishops of such united Bishopricks, alter or affect the Liabilities to them respectively of their Sucessors.

The Bishops of Ferns and Cloyne may recover for Dilapidations from their Predecessor, and for Sums paid by them from their Successor.

XIX. And be it further enacted, That if the now Bishop of *Ferns* and *Leighlin* or the now Bishop of *Cloyne* shall become Bishops respectively of such united Bishopricks respectively, they shall be entitled to recover as Successors for any Dilapidations; and if they shall pay to the Bishop of *Ossory*, or the Bishop of *Cork* and *Ross*, or to his or their respective Representatives, as the Case may be, any Sum or Sums of Money which would have been payable by or recoverable against any Successor in the said Bishopricks, then and in such Case it shall and may be lawful for the Bishop of either of such united Bishopricks respectively to recover from his next immediate Successor the whole of such Sum of Money so by him paid; and such next immediate Successor, and his Successor or Successors respectively, shall and may recover, each against his Successor, such Proportion of such Sum of Money as would have been recoverable in each Case respectively if such next immediate Successor of the now Bishop of *Ferns* and *Leighlin* or of *Cloyne* had been the next immediate Successor lawfully appointed and invested of the now Bishop of *Ossory* or of *Cork* and *Ross*.

Compensation for malicious Injuries to Churches may be recovered either at the next or at the second Assizes after Commission of the Injury.

XX. And be it further enacted, That in case any such wanton and malicious Injury or Damage as in the said recited Act mentioned shall be committed in or to any Church, Chapel, or other Building used for Religious Worship according to the Usage of the United Church of *England* and *Ireland*, it shall and may be lawful for the said Ecclesiastical Commissioners, or any Person or Persons to be by them deputed in that Behalf, by Writing under their Common Seal, to sue for and recover Satisfaction and Amends, pursuant to the Provisions of the said recited Act, for such wanton and malicious Injury or Damage, either at such Period or Periods as in and by the said recited

recited Act for that Purpose provided, or at the Second Assizes to be held after the Commission of such Injury or Damage for the County in which such Church, Chapel, or other Building may be situate; or if in the County of *Dublin*, at the Second Presenting Term; or if in the City of *Dublin*, at the Second Quarter Sessions respectively after the Commission of such Injury, and that all Powers and Provisions contained in the said recited Act, applicable to the suing for or Recovery of such Satisfaction at the next Assizes, Presenting Term, or Quarter Sessions respectively, shall extend and be applicable to the suing for and Recovery of such Satisfaction and Amends at such Second Assizes, Presenting Term, or Quarter Sessions respectively.

Tenant not having a fully renewed Lease may tender to Archbishop, Bishop, &c. the Amount of the Customary Fines, and if declined, Commissioners may ascertain the Amount of Fine which ought to be paid, and upon Payment thereof, Tenant entitled to have it Conveyance.

XXI. And be it further enacted, That in case any Tenant or Lessee, who under the Provisions of the said recited Act is or shall be entitled to apply and agree for, and who shall have applied and agreed for, the Purchase of a perpetual Estate or Interest in any Lands, Tenements, or Hereditaments, shall hold such Lands, Tenements, or Hereditaments by Lease for the Term of Twenty-one Years, whereof less than Twenty Years shall be to come and unexpired, or for the Term of Forty Years, whereof less than Thirty-nine Years shall be to come and unexpired, or for Three Lives, and all the Lives named in such Lease shall not be in being, then and in every such Case it shall and may be lawful for every such Tenant or Lessee to tender to the Archbishop, Bishop, or other Sole Ecclesiastical Corporation, under whom he shall hold such Lands, Tenements, or Hereditaments, or to his or their known Agent or Agents, such Sum or Sums as he shall consider to be the true and just Amount of the Renewal Fine or Fines, and Fees customarily paid or payable for or upon the Renewal of such Lease for such Term or Interest as in and by the said recited Act is required; and in case such Archbishop, Bishop, or other Sole Ecclesiastical Corporation, shall refuse or neglect within a reasonable Time after such Tender to accept such Sum or Sums of Money and execute such Renewal, then and in every such Case it shall and may be lawful for the said Ecclesiastical Commissioners, and they are hereby authorized and required, at the Requisition in Writing of such Tenant or Lessee, to ascertain by the issuing of a Commission or by such other Ways and Means as they shall deem fit and expedient, the Amount of the Renewal Fines usually or customarily paid or payable on and for the Renewal of such Lease, and the Sum which, according to the usual and accustomed Mode of renewing the same, ought to be paid on the Renewal thereof, up to the Day upon and from which the Rent to be reserved by the Deed or Deeds of Conveyance of such Lands and Premises is to begin to accrue due; and such Tenant or Lessee shall, upon Payment to the said Ecclesiastical Commissioners, to and for the Use of such Archbishop, Bishop, or other Sole Ecclesiastical Corporation respectively, of such Sum so ascertained as aforesaid, and of all Rents and Arrears of Rent due upon such Lease, be entitled to have a Conveyance executed of the Fee Simple and Inheritance of and in the said Lands, Tenements, and Hereditaments, in like Manner as if such Lease had been fully renewed for such Term of Years or Lives respectively as in and by the said recited Act is required: Provided always, that no Tenant

No Tenant to be entitled to Perpetuity, unless he pays up his Proportion of Fine for the Period of the Year elapsed from the previous Renewal.

Tenant or Lessee holding any Lands or Premises by Lease for the Term of Twenty-one Years or of Forty Years, whereof less than One Year shall have expired, shall be entitled to have any Deeds of Conveyance of such Lands and Premises made or granted to him or her by virtue of the said recited Act and of this Act, or of either of them, unless, in addition to all Rent and Arrears of Rent due upon and reserved by such Lease, he or she shall have paid and satisfied to the Archbishop, Bishop, or other Ecclesiastical Person under whom he or she shall hold the said Lands and Premises, or to the said Ecclesiastical Commissioners, a proportional Part of the Fine or Fines and Fees usually and accustomarily paid and payable for and upon the Renewal of such Lease, up to and for such Day upon and from which the Rent to be reserved in and by such Deed of Conveyance is to begin to accrue due.

In Cases of inadequate Fines heretofore paid for Renewals, Commissioners empowered to ascertain what ought to have been paid according to the Custom of the Diocese.

XXII. And be it enacted, That whensoever upon any Application for the Purchase of the Fee Simple and Inheritance in any Lands under the Provisions of the said recited Act or this Act, or for the Renewal of any Lease, or the making a new Lease or Demise of any Lands held under the said Ecclesiastical Commissioners, such Commissioners may be authorized and required to ascertain the Amount of any Fine or Fines and Fees theretofore paid or agreed to be paid or customarily paid or payable for Renewal of such Lease, and that such Commissioners shall find that the Fine or Fines and Fees paid during any such Period as in the said Act mentioned, or agreed to be paid or payable for the Renewal of such Lease, have been greatly inadequate as compared with the Fine or Fines and Fees usually paid according to the Custom of the same Diocese or other Spiritual Promotion for or upon the Renewal of Leases or Interests in other Lands within such Diocese or other Spiritual Promotion held by like Tenure and Demise, and that such Commissioners shall have reasonable Cause to conclude that such Inadequacy arose out of any Favour or Community of Interest between the Lessor and Lessee, then and in such Case the Matter shall be referred to Three Arbitrators, to be appointed in manner by the said recited Act provided for the Appointment of Arbitrators to adjust Differences between the said Commissioners and Parties applying for the Purchase of Perpetuities under the said Act; and the Expence of such Arbitration shall be borne by the said Commissioners, or by the other Party, or by both, in such Proportions as such Arbitrators shall direct; and if such Arbitrators shall decide that the Fine or Fines and Fees aforesaid were not greatly inadequate, or that such Inadequacy did not arise out of any Favour or Community of Interest between the Lessor and Lessee, the said Commissioners shall proceed to make their Calculation as by the said Act required upon such Fine or Fines and Fees so paid or agreed to be paid or payable, and in all respects as if no Inadequacy had been alleged to exist; but if the said Arbitrators shall decide that such Fine or Fines and Fees were greatly inadequate, and that such Inadequacy arose out of any Favour or Community of Interest between the Lessor and Lessee, then and in such Case the said Arbitrators, or any Two of them, shall and are hereby authorized and empowered to inquire and ascertain, by actual Survey and Valuation, or by the Examination of Witnesses

upon Oath (which Oath the said Arbitrators are hereby authorized to administer), or by such other Ways and Means as they shall deem fit and expedient, the yearly Value of the Lands, Tenements, and Hereditaments, the Tenant or Lessee whereof shall so have applied for such Renewal or Purchase, and the Fine or Fines and Fees which ought reasonably to have been paid for the Renewal of such Lease or Interest in such Lands in proportion to the yearly Value thereof, according to the Custom of the same Diocese or other Spiritual Promotion, upon the Renewal of Leases or Interests in other Lands and Tenements situate within the same respectively, and held upon the like Tenure and Demise; and the Determination of such Arbitrators, as to the Amount of such Fine or Fines and Fees, shall be conclusive and binding upon all Persons whomsoever; and the Fine or Fines and Fees so ascertained shall be deemed and taken to be for all Purposes of the said recited Act and of this Act the Renewal Fine or Fines and Fees respectively theretofore paid, agreed to be paid or payable, or which ought to have been paid upon the Renewal of the said Lease or Interest in such Lands, Tenements, and Hereditaments, the Tenant or Lessee whereof shall so have applied for such Renewal or Purchase as aforesaid.

Commissioners under this Act to have the same Powers as under former Act.

XXIII. And be it further enacted, That every Commission to be issued by the Ecclesiastical Commissioners for the Purposes of this Act shall issue in the same Manner, and shall be subject to the like Rules and Regulations, and shall have and exercise the like Powers, as in and by the said recited Act is provided with respect to Commissions directed to be issued for inquiring into the Value of Ecclesiastical Benefices.

Provisions for the Purchase of Perpetual Estates, &c. in Lands, &c. held on Lease, repealed.

XXIV. And whereas it is by the said recited Act amongst other Things enacted, that upon such Notification in Writing being given by any such Tenant or Lessee as therein mentioned, that he is ready and willing to purchase the Fee Simple and Inheritance of and in any Lands, Premises, or Hereditaments held by him by virtue of such Lease or Contract as therein mentioned immediately from and under any Archbishoprick, Bishoprick, or other Spiritual Promotion or Dignity pursuant to the Provisions of the said recited Act, it shall and may be lawful for the said Ecclesiastical Commissioners, and they are thereby authorized and required, to ascertain the Amount of the Sum or Sums of Money theretofore paid or agreed to be paid as and for the Fine or Fines and Fees for Renewal of any such Lease or Interest of and in the said Lands and Premises in case of Leases for Lives for and during such Period as shall include the Three last previous Occasions of such Renewal; and it is in and by the said recited Act further enacted, that in the Case of Leases for Lives the said Commissioners under the said recited Act shall compute the yearly Average of the Renewal Fines and Fees in such Manner as to them shall seem just with reference to the average Duration of Lives and beneficial Interest; be it enacted, That from and after the passing of this Act the said recited Provisions, so far as the same relate to the Purchase of Perpetual Estates or Interests in any Lands, Premises, or Hereditaments held by virtue of any Lease or Leases for Lives, be, and the same are hereby repealed.

In case a Tenant or Lessee shall apply for the Purchase of a Perpetual Estate in Lands, &c. under a Lease for Lives, Value to be ascertained by Ecclesiastical Commissioners.

XXV. And be it further enacted, That in every Case in which any Tenant or Lessee who under the Provisions of the said recited Act shall be entitled to apply and agree and shall have applied for the Purchase of a Perpetual Estate or Interest in any Lands, Premises, or Hereditaments shall hold such Lands, Premises, or Hereditaments under or by virtue of any Lease for Lives it shall and may be lawful to and for the said Ecclesiastical Commissioners to ascertain by Calculation a Term for Years of equal Value to the subsisting Interest or Term for Lives then in being under such Lease, and thereupon to compute and ascertain in such Manner as to them shall seem just with reference to the Custom of the Archbishoprick, Bishoprick, or other Spiritual Promotion in which such Lands, Tenements, and Hereditaments shall be situate, the annual Sum or Sums of Money which ought to be paid or payable as and for the Fine or Fines and Fees for Renewal of a Lease of the said Lands, Premises, and Hereditaments held for such a Term of Years aforesaid; which Sum or Sums so ascertained, together with and in addition to the annual Rent or Rents theretofore reserved and payable out of the said Lands and Premises under and by virtue of such Lease for Lives, shall be the Amount of the annual Rent to be reserved and made payable in and by the Deed of Conveyance of the said Lands and Premises, to be executed pursuant to the Provisions of the said recited Act and of this Act or of either of them, subject, however, to such Variation, according to the Price of Wheat or Oats, as in and by the said recited Act and this Act provided; and such Amount or Sum so ascertained shall in all Cases of Leases for Lives be inserted in any Certificate to be given, granted, registered, or enrolled pursuant to the Provisions of the said recited Act, instead of the average Renewal Fine theretofore paid or payable on the several Occasions of renewing any such Lease for Lives.

Limiting Costs to Solicitors employed by Commissioners under this Act.

XXVI. And whereas under and by virtue of the said recited Act it is enacted that it shall and may be lawful for the said Commissioners, out of the said Funds therein mentioned, to defray all such incidental Charges and Expences as shall become necessary in the Execution of the several Powers and Trusts by the said Act, or any Act thereafter to be passed, reposed in them: And whereas it is expedient that the Sum to be paid for Costs to the Solicitor or Attorney employed by the said Commissioners should be limited in Amount; be it therefore enacted, That no Sum shall be paid by said Commissioners to any Attorney or Solicitor as and for Costs, Charges, or Expences unless the Amount of such Payment shall first have been approved of by the Lords of the Treasury: Provided always, that no Sum exceeding One thousand Pounds shall be allowed in any One Year by the said Lords of the Treasury as and for the Costs, Charges, or Expences of any such Attorney or Solicitor; and before any such Sum shall be allowed by the said Lords Commissioners of the Treasury on such Account as aforesaid, the Particulars of all such Costs, Charges, and Expences shall be laid before them.

mmissioners with ation of Treasury, ; con-

XXVII. And be it enacted, That it shall and may be lawful for the said Ecclesiastical Commissioners, with the Consent and Approbation of the Lords Commissioners of His Majesty's Treasury, to bestow and apply out of any Surplus or Balance which may arise in

any Year, after due Provision made for the several Objects and Purposes to which the Funds accruing to the said Ecclesiastical Commissioners under the Provisions of the said Act of the last Session of Parliament are primarily applicable, such Sums as they shall think proper for and to such charitable Purposes as the Bishops of the several Bishopricks, the Temporalities whereof may now be or hereafter become vested in the said Ecclesiastical Commissioners, may have usually subscribed or contributed towards.

tribute towards such charitable Purposes as Bishops in suppressed Sees were accustomed to do.

XXVIII. And whereas it is expedient that Provision should be made for facilitating the Execution of the Deed or Deeds of Conveyance of Lands and Premises to be purchased pursuant to the said recited Act, where such Lands and Premises are or shall be held under any Archbishop, Bishop, or other Sole Ecclesiastical Corporation; be it therefore enacted, That from and after the passing of this Act, so much of the said recited Act shall be repealed as provides that if such Lands so to be purchased shall, at the Time of such Purchase, belong to or be held under any Archbishop or Bishop, or other Ecclesiastical Person, then and in such Case, on the Production by Tenant or Lessee, as therein mentioned, to the said Archbishop, Bishop, or other Ecclesiastical Person, of such Notice or Certificate, and of such Receipt of the Cashier or Cashiers of the Bank of *Ireland* as therein mentioned, such Archbishop, Bishop, or other Ecclesiastical Person shall and he and they is and are hereby required and directed to execute, seal, and deliver a Deed of Conveyance of the Fee Simple and Inheritance of the said Lands and Premises to such Tenant or Lessee, when the same shall be tendered for Execution, subject to such annual Rent as therein mentioned; and that if such Archbishop, Bishop, or other Ecclesiastical Person shall, on the Production of such Notice or Certificate and Receipt as aforesaid, refuse or neglect to execute such Deed of Conveyance, when tendered for Execution as aforesaid, for the Space of Two Calendar Months after such Tender shall have been made as aforesaid, then, upon such Proof being made to the said Commissioners by Affidavit to be sworn before such Persons as therein mentioned, (which Affidavit they are thereby respectively empowered to administer,) or upon Oath of a credible Witness to be examined by the said Commissioners, it shall and may be lawful for the said Commissioners and they are thereby empowered and required to execute, seal, and deliver the said Deed or Deeds of Conveyance in the Name of and on behalf of the said Archbishop or Bishop or other Ecclesiastical Person so refusing or neglecting to execute the same as aforesaid, and to affix the Corporate Seal of the said Commissioners to such Deed or Deeds, and to certify the Cause of their so executing the same by Writing at the Foot of or on the Back of the said Deed or Deeds; and that such Execution of the said Deed or Deeds by the said Commissioners shall be as valid and effectual to all Intents and Purposes whatsoever as if the said Deed or Deeds had been duly executed by the said Archbishop or Bishop or other Ecclesiastical Person, in pursuance of the said recited Act; and so much and such Parts of the said recited Act is and are hereby repealed accordingly.

So much of 3 & 4 W. 4. c. 37. repealed as requires Tenant to tender to Archbishop or Bishop Deed of Conveyance, and if such Archbishop or Bishop neglects to execute for Two Months Commissioners to execute in his Name.

XXIX. And

Commissioners empowered to execute Conveyance of Lands in the Name of the Archbishop or Bishop, &c., and Deed to be as valid as if executed by Archbishop, Bishop, &c.

XXIX. And be it further enacted, That in case any Lands, Premises, or Hereditaments, purchased or to be purchased pursuant to the Provisions of the said recited Act and of this Act or either of them, shall at the Time of such Purchase be held under any Archbishop, Bishop, or other Ecclesiastical Person, it shall and may be lawful for the said Ecclesiastical Commissioners, on Production to them of the Receipt of the Cashier or Cashiers of the Bank of *Ireland* for the Amount of the Purchase Money ascertained and payable in respect of such Lands, Premises, or Hereditaments, pursuant to the said recited Act and of this Act, to execute, seal, and deliver, in the Name and in behalf of such Archbishop, Bishop, or other Ecclesiastical Person, a Deed of Conveyance of the Fee Simple and Inheritance of the said Lands, Premises, and Hereditaments, to the Tenant or Lessee thereof, unto and to the Use of such Tenant or Lessee, his Heirs and Assigns, or as he or they shall appoint, subject to such annual Rent as in and by the said recited Act is provided; and the said Ecclesiastical Commissioners shall affix to such Deed or Deeds of Conveyance their Corporate Seal, and shall give at the Foot or on the Back of such Deed or Deeds respectively a Certificate or Certificates, which shall be conclusive Evidence of the Truth of the Matter thereby certified, that such Deed or Deeds has or have been executed pursuant to the Provisions of the said recited Act and of this Act; and such Deed or Deeds shall be in like Form, and shall, when so executed, be as valid and effectual to all Intents and Purposes as if the same had been duly executed pursuant to the said recited Act by such Archbishop, Bishop, or other Ecclesiastical Person, in case this Act had not been passed: Provided always, that the said Ecclesiastical Commissioners shall, One Calendar Month at least before the Execution of such Conveyance, notify, by such Notice in Writing as in and by the said recited Act for that Purpose is directed, to the Archbishop, Bishop, or other Ecclesiastical Person under whom the said Lands and Premises are or shall be held as aforesaid, the Amount of the annual Rent to be thereafter reserved and payable out of the said Lands and Premises, and of the Purchase Money to be paid for the Conveyance thereof, pursuant to the Provisions of the said recited Act.

Commissioners to notify to Archbishop, Bishop, &c. the Terms of Purchase One Calendar Month before Execution of Deed.

Sub-tenants empowered to purchase Perpetuities in Bishops Lands on Default of superior Tenants.

XXX. And whereas in many Cases the Lands, Tenements, and Hereditaments held under Leases from Archbishops, Bishops, or other Ecclesiastical Corporations Sole in *Ireland* have been sub-let to Under-tenants, who are entitled, under Covenants or Contracts, to the Renewal of their Leases from Time to Time as often as the first or immediate Tenants thereof shall obtain Renewals of their Leases from any such Archbishop, Bishop, or other Ecclesiastical Corporation Sole, and by reason of the small Interest of the first or immediate Tenants in such Lands, Tenements, and Hereditaments, or for other Reasons, they may not be desirous to purchase the Fee Simple and Inheritance therein, and it is expedient that in such Cases the Under-tenants thereof should be authorized to purchase the same, subject to the Provisions and Regulations herein-after contained; be it therefore enacted, That it shall and may be lawful to and for any Under-tenant, having any derivative Estate or Interest in any such Lands, Tenements, and Hereditaments by virtue of any Lease containing any

any such Covenant or Contract for the Renewal thereof as aforesaid, either mediately or immediately through or under the first or immediate Tenant thereof, to apply (in the Manner prescribed by the said Act in reference to first or immediate Tenants) for the Purchase of the Fee Simple and Inheritance of and in the Lands, Tenements, and Hereditaments held by such Under-tenant under any such Lease, giving Notice, nevertheless, in Writing of such Application to the first or immediate Tenant of such Lands, Tenements, and Hereditaments, and to all other Tenants thereof (if any) intervening between such Archbishop, Bishop, or other Ecclesiastical Corporation Sole and the Under-tenant making such Application, or to the known Agent or Receiver, Agents or Receivers of such first and other intervening Tenants; and upon the Receipt of such Notice, or at any Time within Twelve Calendar Months thereafter, it shall be lawful as well for such first or immediate as for any other of such intervening Tenants to apply in like Manner for the Purchase of the Fee Simple and Inheritance of and in the same Lands, Tenements, and Hereditaments, and the first or immediate Tenant of such Lands, Tenements, and Hereditaments is hereby empowered to contract or agree for the Purchase thereof accordingly, in the Manner provided by the said Act, or as near thereto as Circumstances will admit, notwithstanding such Lands, Tenements, and Hereditaments shall not constitute the whole of the Lands, Tenements, and Hereditaments held by him under any Lease from any such Archbishop, Bishop, or other Ecclesiastical Corporation Sole; and in case such first or immediate Tenant shall neglect or omit to make Application in manner by the said Act directed for the Purchase of the Fee Simple and Inheritance of and in such Lands, Tenements, and Hereditaments for the Space of Twelve Calendar Months after such Notice in Writing shall have been given to him, or to his known Agent or Receiver, it shall be lawful for the said Commissioners to treat, contract, or agree with such Under-tenant who may have given such Notice as aforesaid, or with any intervening Tenant who may have made Application within the said Period of Twelve Months, for the absolute Purchase by him of the Fee Simple and Inheritance of and in the same Lands, Tenements, and Hereditaments, upon such and the same Terms and in the same Manner as in the said Act is prescribed for the Purchase of Perpetuities by any first or immediate Tenant, but subject nevertheless (in addition to the Rent thereby directed to be reserved and made payable to the Archbishop, Bishop, or other Ecclesiastical Corporation Sole under whom the same are immediately held) to a perpetual Rent-charge, or as many perpetual Rents-charge as there are Tenants intervening between such Archbishop, Bishop, or other Ecclesiastical Corporation Sole, and the Under-tenant entering into such Contract for Purchase, such Rent-charge or Rents-charge to be ascertained in manner herein-after mentioned, and to be issuing out of the same Lands, Tenements, and Hereditaments, and to be reserved and made payable to such intervening Tenant or Tenants, his or their Heirs and Assigns for ever: Provided always, that in case more than One of such Under-tenants shall make Application for such Purchase, the Application of the Under-tenant holding directly under such first or immediate Tenant shall be preferred to that of the one next below, and

Purchases by Sub-tenants subject to Rents-charge to superior Tenants.

Sub-tenants Applications for Purchase to have Preference according to Priority.

and so on according to Priority of holding down to the Under-tenant so giving Notice as aforesaid; and the said Commissioners shall convey the said Lands, Tenements, and Hereditaments, so contracted to be purchased, to the Purchaser thereof accordingly, in the Manner and under the Regulations by the said Act provided in relation to the Purchases thereby authorized to be made, subject nevertheless to the additional perpetual Rent-charge or Rents-charge herein-before mentioned; and immediately upon the Execution of such Conveyance the Reversion or respective Reversions then vested in such intervening Tenant or Tenants shall, so far only as respects such Lands, Tenements, and Hereditaments, be absolutely merged and extinguished in the Freehold and Inheritance thereby conveyed to such Purchaser, and the said perpetual Rent-charge or Rents-charge, and the Estate or Interest therein, shall be considered as a Substitute or Substitutes for the Rent and Reversion so merged and extinguished as aforesaid.

Mode of ascertaining Amount of Rent-charge.

XXXI. Provided always, and be it further enacted, That the Amount of the perpetual Rent-charge so to be reserved and made payable to every such intervening Tenant shall be equal to the net annual Income or Profit Rent for the Time being derived by him from the Lands, Tenements, and Hereditaments so purchased by such Under-tenant as aforesaid, such net annual Income or Profit Rent to be ascertained by deducting the Amount or proportional Amount of the annual Rents, Fines, and other Outgoings and Expences payable by such intervening Tenant in respect of such Lands, Tenements, and Hereditaments from the Amount or proportional Amount of the annual Rents, Fines, and other Outgoings and Expences payable to him in respect of such Lands, Tenements, and Hereditaments by the Under-tenant holding the same directly under him; and for the Purpose of ascertaining the said several Particulars the said Commissioners shall have all such Powers and Authorities, and shall take all such Measures, as are respectively given to and directed to be taken by them for the Purpose of ascertaining the several Particulars directed to be inquired into by the said Act; and every such perpetual Rent-charge shall be payable by equal half-yearly Payments on the First Day of *May* and the First Day of *November* in each Year, and shall be recoverable by all the Ways and Means used for the Recovery of Rents in *Ireland*.

Rents-charge shall enure to same Uses as Leasehold Interest.

XXXII. Provided always, and be it further enacted, That where any such intervening Tenant shall not be absolutely entitled to the Leasehold Interest under the Lease by virtue of which he holds, then and in every such Case, notwithstanding the Reservation of the said perpetual Rent-charge to such intervening Tenant, his Heirs and Assigns for ever, the same shall nevertheless enure to such Uses, and upon and for such Trusts, Intents, and Purposes, as will best correspond with the Uses, Trusts, Intents, and Purposes which for the Time being shall be subsisting concerning the said Leasehold Interest, or would be subsisting concerning the same if such Leasehold Interest were still in existence, or as near thereto as the Difference in the Nature of the Interests respectively will permit: Provided always, that every such perpetual Rent-charge shall be subject to such or the like

Rents-charge subject to Apportion-

Provisions

Provisions for Apportionment in the Event of a Division of the Lands, Tenements, and Hereditaments for the Time being subject thereto, or to any Part thereof, as are in the said Act provided in relation to the new Rents to be reserved under the said Act, such Apportionment to be applied for and ascertained in the Manner and subject to the Regulations prescribed by the said Act, so far as the same are respectively applicable, or as near thereto as Circumstances will admit.

ment in case of Division of Lands.

XXXIII. And for the Prevention of Doubts as to the Consequences of the Purchase of the Fee Simple and Inheritance in Lands, under the Provisions of the said recited Act and this Act, by any immediate or mesne Tenant, be it hereby declared and enacted to be the Intent and Meaning of the said Act and this Act, That any such immediate or mesne Tenant shall, notwithstanding his Acquisition of the Fee Simple and Inheritance in such Lands, and the Merger of any previously subsisting Term, Estate, or Interest therein, have all such and the like Remedies, by Distress, Re-entry, Action, or otherwise, for the Recovery of the Rents and Duties reserved in any Under-lease by him theretofore made, which he might or would have had in case he had not so acquired such Fee Simple and Inheritance, and as would have been incident to his Reversion in such previously subsisting Term, Estate, or Interest.

Meaning of Act as to immediate or mesne Tenant acquiring the Fee Simple.

XXXIV. And whereas such Purchase of the Fee Simple and Inheritance of and in such Lands, Tenements, and Hereditaments by any such Under-tenant will be beneficial to the first and all other Tenants thereof intervening between such Archbishop, Bishop, or other Ecclesiastical Corporation Sole and the Under-tenant or Under-tenants making such Purchase; be it therefore enacted, That whenever such Under-tenant of any Lands, Tenements, and Hereditaments shall have contracted for the Purchase of the Fee Simple and Inheritance thereof in manner aforesaid the said Commissioners are hereby required to ascertain whether any and what Proportion of the Purchase Money on any such Purchase ought to be contributed by such first and other intervening Tenants thereof as aforesaid; and when the said Commissioners shall have ascertained the Proportion or respective Proportions of the Purchase Money to be contributed by such first and other intervening Tenants as aforesaid respectively, it shall and may be lawful to and for the Under-tenant so contracting to purchase as aforesaid, his Heirs, Executors, or Administrators, by Notice in Writing to be given to such first and other intervening Tenant or Tenants, or his or their known Agent or Receiver, Agents or Receivers, to call upon and require such first and other intervening Tenant or Tenants to contribute his or their said Proportion or respective Proportions of such Purchase Money accordingly; and in case any such first or other intervening Tenant shall refuse or neglect to contribute such his Proportion of the said Purchase Money for the Space of Six Calendar Months after such Notice shall have been given to him or his known Agent or Receiver, then and in such Case the said Commissioners shall make a corresponding Deduction from the said perpetual Rentcharge so directed to be reserved to him as aforesaid, such Deduction to be equal to Six Pounds *per Centum per Annum* on the Proportion of the said Purchase Money which he shall be so required to contribute

Where Subtenants purchase, superior Tenants shall contribute towards Purchase Money.

tribute as aforesaid; and the said Commissioners shall cause the Amount of every Rent-charge so reduced to be inserted in or indorsed upon the Conveyance of the said Lands, Tenements, and Hereditaments to such Under-tenant accordingly; and such reduced perpetual Rent-charge shall thenceforth for ever be payable in lieu of the Rent-charge herein-before directed to be reserved to such intervening Tenant respectively, his Heirs or Assigns, as aforesaid: Provided always, that in case any such Tenant or Lessee shall be dissatisfied with the Amount of the Rent-charge or Proportion of the Purchase Money adjudged payable in manner aforesaid to or by him, the Matter shall be referred to Three Arbitrators, one to be appointed by the Tenant to whom the same is adjudged to be payable, and the other by the Tenant proposing to purchase as aforesaid, and the third by the Two Arbitrators so appointed as aforesaid, in manner provided in the said Act for the Appointment of Arbitrators to adjust Differences between the said Commissioners and Tenants or Lessees applying for the Purchase of Perpetuities under that Act, and with the like Powers and Authorities, so far as the same are applicable; and the Determination of such Arbitrators as to the Amount of such Rent-charge or Proportion of such Purchase Money shall be conclusive and binding upon all Persons whomsoever, and the Expence of such Arbitration shall be borne by such Party as the Arbitrators shall direct.

Differences to be referred to Arbitration.

Mode of ascertaining and apportioning annual Payments to be reserved on Purchases;

and on the Residue of the Lands where the whole are not purchased.

XXXV. And be it further enacted, That in case the Lands, Tenements, and Hereditaments proposed to be purchased by any such first or immediate Tenant or by any Under-tenant respectively, as the Case may be, shall be and constitute Part only of the Lands, Tenements, and Hereditaments held under Lease from any Archbishop, Bishop, or other Ecclesiastical Corporation Sole, or under any intermediate Lease, it shall and may be lawful to and for the said Commissioners to ascertain the annual Payment which ought according to the Provisions of the said Act to have been reserved upon the Conveyance of the Fee Simple and Inheritance in the whole of the Lands held under such Archbishop, Bishop, or other Ecclesiastical Corporation Sole in *Ireland* by such Lease in case the whole of the said Lands had been proposed to be purchased, and having ascertained the Amount thereof the said Ecclesiastical Commissioners shall apportion the Amount of the annual Payment to be reserved to such Archbishop, Bishop, or other Ecclesiastical Corporation Sole for or in respect of the Lands, Tenements, and Hereditaments so proposed to be purchased; and the said Commissioners shall in like Manner ascertain the net annual Income derived by each of the intervening Tenants from the Lands, Tenements, and Hereditaments held by him or them respectively under their respective Leases, and shall apportion with reference thereto the Amount of the annual Rent-charge to be reserved to each of such intervening Tenants for or in respect of the Lands, Tenements, and Hereditaments so proposed to be purchased; and the said Commissioners shall in like Manner ascertain and apportion, with reference to the annual Rents reserved and made payable under and by virtue of such Leases respectively, the annual Payments to be thenceforth made to such Archbishop, Bishop, or other Ecclesiastical Corporation Sole, and to such

intervening Tenants or Tenant respectively, for and in respect of the Residue and Remainder of the Lands, Tenements, and Hereditaments included in the same Leases respectively; and the said Commissioners shall convey the Fee Simple and Inheritance of and in the said Lands, Tenements, and Hereditaments so proposed to be purchased to the Purchaser thereof, subject only to such annual Payment as shall be so apportioned to be reserved in respect of the Lands, Tenements, and Hereditaments so proposed to be purchased, (and in the Case of a Purchase by an Under-tenant) to the aforesaid perpetual Rent-charge or Rents-charge to the intervening Tenant or Tenants, and to make all such other Apportionments as the Circumstances of the Case shall in their Judgment require; all which Apportionments shall be conclusive and binding on all Parties, and the Payments so apportioned on the Residue and Remainder of the Lands not purchased shall alone be recoverable in lieu of the whole Rents previously reserved by existing Leases, and exactly as if such apportioned Rents had been the reserved Rents for and in respect of such Residue and Remainder of the Lands not purchased.

Provisions for Lands held under the Commissioners.

XXXVI. And be it further enacted, That the Provisions herein contained applicable to Lands, Tenements, and Hereditaments held under any Archbishop, Bishop, or other Ecclesiastical Corporation Sole in *Ireland* shall extend and be applied to all Lands, Tenements, and Hereditaments now held or hereafter to be held under the Commissioners in the said Act named, by reason of the Suppression of the Sees therein mentioned; and in all Cases in which any Purchase shall be made of Lands, Tenements, and Hereditaments held under the said Commissioners, being Part only of the Lands, Tenements, and Hereditaments included in One Lease, the said Commissioners shall ascertain what Portion of the Fine theretofore payable for the Renewal of such Lease should be paid for or in respect of the Lands not included in such Purchase, and in case any Difference shall arise in regard thereto the same shall be decided by Arbitrators in the Manner in the said Act provided for deciding Questions between the Commissioners and Tenants and Lessees applying for the Purchase of Perpetuities, and the Sum so ascertained shall be thenceforth deemed and taken to be the Amount of Fine payable for Renewal of such Lands, Tenements, and Hereditaments; and the said Commissioners shall thenceforth from Time to Time grant renewed Leases of such Lands, Tenements, and Hereditaments, on Payment of the Amount so ascertained in manner in the said Act provided for the entire Lease, subject nevertheless to be varied in such Manner and under the Circumstances in the said Act mentioned: Provided that the Payments to be reserved to the Archbishop, Bishop, or other Ecclesiastical Corporation Sole in *Ireland* shall in all Cases be deemed prior in order of Charge to the Rent-charges hereby authorized to be granted; and where in any Case there shall be more than One Rent-charge reserved for and in respect of the same Lands, by virtue and in pursuance hereof, the said Commissioners shall state in the Conveyance to be executed upon any such Purchase the Order and Priority of the same Charges, which shall be according to the Priority of the several Tenants at the Date of such Purchase, and in case at any Time thereafter any of the said Rents-

Order of Priority of Rent-charges.

charge shall be in arrear the same shall have Priority and be paid in the Order so ascertained.

Where Sub-tenant shall purchase Part of Lands, Lease granted of Remainder to be valid.

XXXVII. Provided always, and be it enacted, That when and so often as any Tenant or Sub-tenant shall have purchased the Fee and Inheritance of Part of the Lands, Tenements, and Hereditaments included in any Lease from any such Archbishop, Bishop, or other Ecclesiastical Corporation Sole in *Ireland*, or the said Ecclesiastical Commissioners, or in any intermediate Lease, any Lease to be thereafter granted by any such Archbishop, Bishop, or other Ecclesiastical Corporation Sole, or the said Ecclesiastical Commissioners, or by any intervening Tenant or Tenants, as the Case may be, of the Residue and Remainder of the same Lands, Tenements, and Hereditaments, reserving only the Proportion of the Rent payable for or in respect of such Residue and Remainder, to be ascertained as aforesaid, shall be as valid in all respects in reference to the Lands included in such Lease as a Lease of the Entirety at the entire Rent would have been, and in all respects have the same Operation, as far as the Lands, Tenements, and Hereditaments comprised therein are concerned, as if a Lease of the Entirety had been made, and all the Statutes applicable to the Renewals of the whole Lease shall apply to such Renewals of the Part only; any Law, Custom, or Statute to the contrary in anywise notwithstanding.

Purchases made under this Act not to be impeached by reason of Imperfection of Notices.

XXXVIII. Provided always, and be it further enacted, That before the Execution of any Conveyance to any Under-tenant or Under-tenants under the Provisions of this Act, he or they shall prove to the Satisfaction of the said Ecclesiastical Commissioners that the Notice or Notices required by this Act have been duly given; and that after the Expiration of One Year from the Completion of any Purchase by any Under-tenant or Under-tenants, under the Provisions of this Act, the same shall not afterwards be impeached or called in question by reason of any such Notice or Notices not having been given as aforesaid, nor by reason of any Imperfection in any such Notice or Notices.

Purchases made under Provisions of recited Act to extend to this Act.

XXXIX. And be it further enacted, That all the Provisions in the said recited Act contained, in relation to the Purchases thereby authorized, and to the Consequences thereof, as well with reference to the Parties immediately interested, and their Rights and Liabilities, as to those having derivative and other Interests, and their Rights and Liabilities, in all other respects whatsoever, shall, so far as the Nature of the Case will admit, extend and be applicable to the Purchases by this Act authorized to be made, and to the Consequences thereof.

Church Estimates to be prepared and transmitted at such Times, and calculated for such Periods, as

XL. And whereas it is by the said recited Act amongst other Things enacted, that the officiating Curate or Minister officiating as Curate of every Parish, Union, Chapelry, or Perpetual Curacy in *Ireland*, and the Dean and Chapter or Chapter of every such Cathedral and Parochial Church or Cathedral used as a Parish Church in *Ireland*, shall, on or before the First Day of *June* in each and every Year succeeding the Year One thousand eight hundred and

thirty-three, prepare or cause to be prepared such Estimate containing such Items and Particulars as are in the said Act mentioned, and that such Estimate shall be transmitted by such Person or Persons whose Duty it is to prepare the same to the Ordinary of the Diocese on or before the First Day of *July* in each and every Year succeeding the said Year One thousand eight hundred and thirty-three; and it is by the said recited Act further enacted, that the said Ecclesiastical Commissioners shall pay or cause to be paid on the First Day of *September* in each Year, for the Maintenance of all and every the Person or Persons who at the passing of the said Act was or were or should thereafter be appointed Clerk or Clerks of such Parish, Union, or Chapelry, or Chapel of Ease, as therein mentioned, certain Salaries, or to grant certain Allowances in the said Act mentioned: And whereas it is expedient that the respective Periods for preparing and transmitting such Estimate and for paying such Sums as aforesaid should be left to the Discretion of the said Ecclesiastical Commissioners; be it therefore enacted, That the said Estimates shall be prepared and transmitted at such convenient Times, and shall be made and calculated for such Period, commencing on such Day and ending on such Day in each Year, as the said Ecclesiastical Commissioners shall from Time to Time think fit to direct and signify by Writing under their Corporate Seal to the Person or Persons whose Duty it may be from Time to Time to prepare and transmit the same; and that such Payments on account of Salaries or Maintenance to Clerks heretofore or hereafter to be appointed shall be made at such convenient Time in each Year as the said Commissioners shall appoint and direct; any thing in the said recited Act contained to the contrary hereof notwithstanding.

the Commissioners shall think fit to direct.

XLI. And whereas it was by the said recited Act provided, that all Rates or Assessments upon any Parish, Union, Chapelry, or Place, or the Inhabitants thereof, or any of them, for certain Purposes in the said Act mentioned, and all Proceedings for the making, assessing, applotting, or levying the same, should from and after the Commencement of the said Act wholly cease and determine, and that every Rate, Assessment, or Applotment for any Church Purpose whatsoever should be and be deemed to be by all Courts of Justice totally void as to so much thereof as provides for the Church Purposes, or any of them, in such Act mentioned; and it was also by the said Act provided, that in all Parishes and Places where by virtue of any Law, Statute, or Custom Provision may have been theretofore made by Vestry or other Assessment for the Maintenance of any Curate, Lecturer, Clerk, or other Minister or Assistant in the Celebration of Divine Worship, or Attendant or Sexton, such Provision by Vestry or other Assessment should from and after the passing of the said Act wholly cease and determine, and future Provision for such Church and other Purposes was made by the said Act from and after the Commencement thereof: And whereas it is necessary, by reason of the said Enactments, that Provision should be made for the Purposes aforesaid for the Period of the Year One thousand eight hundred and thirty-three intervening between the Commencement of the said Act and the *Easter* Week next preceding, and also for all such Charges and Expences incurred previous to the Commencement of the said Act

Ecclesiastical Commissioners empowered to provide for the Purposes heretofore defrayed by Vestry Assessment for Part of the Year 1833.

Act as would or ought to have been defrayed by Vestry Assessment in case the said Act had not been made; be it therefore enacted, That so much of the said recited Act as disables any Vestry called or holden in or for any Parish, Union, Chapelry, or Place, or any Person or Persons, from making, assessing, applotting, or levying any Rate or Assessment for any of the Purposes in the said Act mentioned, and so much of the said Act as authorizes and requires the said Ecclesiastical Commissioners to issue and pay the Sums required for the several Matters and Things by such Act directed to be included in the Estimates to be annually transmitted to the said Commissioners, or as authorized the said Commissioners to make Provision for the Maintenance of any Curate, Lecturer, Clerk, or other Minister or Assistant in the Celebration of Divine Worship, or Attendant or Sexton, in lieu of any Provision by Vestry Assessment or otherwise theretofore made for such Purposes by any Law, Statute, or Custom, shall take effect and be deemed to have taken effect from the Commencement of the *Easter* Week in the said Year One thousand eight hundred and thirty-three, and that any such Rate or Assessment made in such Week, or at any Time after and previous to the Commencement of the said Act, shall be utterly null and void in so far as respects any of the Church Purposes in the said Act mentioned, but no further; and that supplementary Estimates for the said Period intervening between *Easter* Week in the said Year One thousand eight hundred and thirty-three and the Commencement of the said Act shall with all convenient Speed be prepared, certified, and transmitted to the said Commissioners in manner and form by the said Act prescribed in respect of the annual Estimates to be transmitted to the said Commissioners.

Upon Proof that Notice of Appeal against Rates rendered illegal by 7 G. 4. c. 72. has been given, Justices may proceed to hear the same without Recognizances having been entered into.

XLII. And whereas it was by the said recited Act provided, that certain Parts of an Act made in the Parliament of the United Kingdom in the Seventh Year of His late Majesty King *George* the Fourth, intituled *An Act to consolidate and amend the Laws which regulate the Levy and Application of Church Rates and Parish Cesses, and the Election of Churchwardens, and the Maintenance of Parish Clerks, in* Ireland, should be and the same were thereby repealed, but Doubts and Difficulties have arisen as to the Mode of obtaining Relief against such Rates and Assessments as have been rendered illegal by such Repeal, by reason of the Recognizances, Notices, and other Formalities made necessary by the said Act of the Seventh Year of His late Majesty King *George* the Fourth in order to constitute an effectual Appeal against any Assessment or Applotment under the said last-mentioned Act, and it is expedient to obviate all such Doubts and Difficulties, and to facilitate the Trial of every such Appeal upon the Merits; be it therefore enacted, That it shall not be necessary for any Person who shall appeal to the Justices of the Peace at the General or Quarter Sessions of the Peace to enter into any Recognizance whatsoever, either by himself or with any Security or Securities, but that the Justices before whom such Appeal shall come on to be tried shall, upon Proof that a Notice in Writing of such Appeal was given to the Incumbent or Curate, or to both, or One of the Churchwardens and Three Householders of the Parish, Chapelry, or Union, Six clear Days at the least before such General or Quarter Sessions,

proceed

proceed to hear and determine such Appeal upon the Merits, and to award Costs not exceeding Five Pounds against either Party, as to them shall appear just.

Every Parishioner to vote at Vestries without Distinction.

XLIII. And be it further declared and enacted, That at every Vestry to be hereafter at any Time called or holden in any Parish, Union, or Chapelry, for the Purpose of making any Cess, Rate, Assessment, or Applotment whatsoever, it shall be lawful for every Parishioner, of whatever Religious Persuasion he may be, who shall be chargeable to such Cess, Rate, Assessment, or Applotment in such Parish, Union, or Chapelry, to vote at such Vestry respecting every Matter or Business therein brought forward.

Commissioners enabled to ascertain the Amount of existing Charges on Parishes for Purposes for which Vestry Assessments are now prohibited, and to pay them off.

XLIV. And be it enacted, That it shall be lawful for the said Ecclesiastical Commissioners to inquire into and ascertain the Amount of all such Sums as may have been, at or previous to *Easter* Week in the said Year One thousand eight hundred and thirty-three, charged or chargeable upon any Parish, Union, or Chapelry, for or on account of any Balance of Account, Costs, Damages, or Expences due to any Churchwarden, or to any Clerk or Sexton for his Maintenance, and also the Amount of any Arrears of Vestry Cess accrued due and not collected for the Years One thousand eight hundred and thirty-one or One thousand eight hundred and thirty-two with which any Churchwarden may have been charged in his Account, and which he may have paid and cannot recover, and also the Amount of all Sums which any Churchwarden or Person may have paid or for which he may be liable on behalf of any Parish, Union, or Chapelry, for any Purpose now executed, and for which a Vestry Assessment may have been made in the Year One thousand eight hundred and thirty-one or One thousand eight hundred and thirty-two or One thousand eight hundred and thirty-three, not exceeding the Arrears due upon such Assessment; and the said Commissioners, having satisfied themselves of the Amount of all such Sums as aforesaid, shall, in such Manner and to such Extent, and subject to such Regulations as they in their Discretion shall think just and necessary, pay the said Sums to the Persons respectively entitled thereto.

Commissioners of Public Works in Ireland may lend the Ecclesiastical Commissioners a Sum not exceeding 100,000*l.*

XLV. And whereas it is necessary, in order to enable the said Ecclesiastical Commissioners to provide for the Purposes heretofore defrayed by Vestry Assessment according to the Provisions of the said recited Act and this Act, that such Commissioners should be empowered to borrow a Sum of Money by way of Mortgage or Loan on the Credit of the Funds accruing to them under the Provisions of the said Act; be it therefore enacted, That it shall and may be lawful for the Commissioners acting under and in execution of an Act made in the Second and Third Years of the Reign of His present Majesty, intituled *An Act for the Extension and Promotion of Public Works in* Ireland, by and with the Consent and Approbation of the Lords Commissioners of His Majesty's Treasury, to lend and advance to the said Ecclesiastical Commissioners such Sum or Sums of Money, not exceeding in the whole One hundred thousand Pounds, as they shall think proper, to be repaid to the said Commissioners for the Extension and Promotion of Public Works in *Ireland* in such

Manner and at such Times, with Interest for the same, at and after such Rate, not exceeding Four Pounds *per Centum per Annum* on the Sum or Sums so advanced, as the said Commissioners of the Treasury shall direct and require; and all Sums so lent and advanced shall, with the Interest from Time to Time accruing due thereon, be and the same are hereby charged upon all and every the Rents, Issues, and Profits of all Lands, Tenements, or Hereditaments, and the annual Tax and the Proceeds thereof, and all and every Sum or Sums of Money, or Securities for Money, vested in or which shall accrue to the said Ecclesiastical Commissioners and their Successors under and by virtue of the said Act, and all Interest, Dividends, Profits, and Proceeds thereof; and the said Ecclesiastical Commissioners are hereby authorized and required to pay such Sums of Money, and such Interest from Time to Time accruing due thereon, when and as the same shall become due and payable respectively, pursuant to the Order and Direction of the said Commissioners of the Treasury, from and out of the Produce of the said Rents, Issues, and Profits, and the said Tax, and the other Funds vested in or accruing to such Ecclesiastical Commissioners under the said Act, prior and in preference to any other Application thereof.

The recited Act to continue in full Force save as altered by this Act, and both Acts to be construed together.

XLVI. And be it enacted, That the said recited Act of the last Session of Parliament for altering and amending the Laws relating to the Temporalities of the Church in *Ireland* shall continue in full Force and Effect, save and except so far as the same is expressly repealed or altered by this present Act; and that the said recited Act and this Act shall be construed together as One Act to all Intents and Purposes whatsoever.

Act may be altered.

XLVII. And be it further enacted, That this Act may be amended, altered, or repealed by any Act or Acts to be passed in the present Session of Parliament.

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ANNO QUARTO & QUINTO

GULIELMI IV. REGIS.

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CAP. XCI.

An Act to continue for One Year, and from thence to the End of the then next Session of Parliament, the several Acts for regulating the Turnpike Roads which will expire during the present or before the End of the next Session of Parliament, and to amend the several Acts regulating the Post Roads, in *Ireland*. [15th *August* 1834.]

WHEREAS it is expedient that the several Acts for making, amending, and repairing the Turnpike Roads in *Ireland* which will expire during the present Session or before the End of the next Session of Parliament should be continued for a limited Time: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all and every Act and Acts of Parliament for making, amending, and repairing any Turnpike Roads in *Ireland* which will expire during the present Session or before the End of the next Session of Parliament shall be and the same is and are hereby continued for One Year from the passing of this Act, and until the End of the then next Session of Parliament. Continuation of Acts.

II. And whereas by an Act of the last Session of Parliament, intituled *An Act to amend the Laws relating to Grand Juries in Ireland*, it was provided that a certain Number of Cess-payers should be In default of the Attendance of Cess-payers at

Special Sessions under 3 & 4 W. 4. c. 78. the Justices may proceed with the Business.

be associated with the Justices of the Peace at certain Meetings of Special Sessions and Adjournments thereof to be holden at the Times and for the Purposes in the said Act mentioned, and Doubts have arisen as to the Competence of such Justices to proceed in the Business of such Sessions or Adjournment in default of the Attendance of such Cess-payers; for Removal of such Doubts, be it hereby enacted and declared, That the Justice or Justices attending at such Special Sessions or any Adjournment thereof shall, in default of the Attendance of such Cess-payers, have full Power and Authority to do all such Matters and Things as it is by the said Act provided shall or may be done at such Special Sessions or Adjournment thereof respectively.

Grand Jury empowered to make Presentment of Sums necessary to reimburse Supervisor, &c. under certain Conditions.

III. And whereas Doubts have arisen upon the Construction of the said recited Act in respect of the Office or Appointment of Supervisors of Roads in *Ireland*, and by reason thereof certain Supervisors have continued to act, and certain Grand Juries have appointed Persons to be Supervisors of Roads, and it is expedient to remove such Doubts and to prevent the Inconveniences resulting therefrom; be it therefore enacted, That it shall and may be lawful for the Grand Jury of any County, County of a City, or County of a Town where any such Supervisors shall have acted or been appointed as aforesaid, to make Presentment of such Sum or Sums of Money as shall be necessary to reimburse and defray all Sums advanced and laid out by such Supervisor, and for the Payment of any Deputy or Deputies of such Supervisor, provided that an Affidavit made and signed before some Justice of the Peace by such Supervisor shall be laid before the Grand Jury, stating that the Work has been properly executed, together with an Affidavit made and signed in like Manner by the Deputy employed in such Work, stating that the Money has been faithfully and honestly expended, and is a reasonable Charge to the best of his Knowledge and Belief, with the Particulars of the Expenditure: Provided always, that on and after the First Day of *January* in the Year One thousand eight hundred and thirty-five all Powers, Duties, and Authorities belonging to the said Office of Supervisor of Roads shall wholly cease and determine, and the said Office shall be and is hereby on and from that Day abolished.

1 & 2 W. 4. c. 32.

IV. And whereas, under and by virtue of certain Acts now in force in *Ireland*, the Commissioners acting under and in execution of an Act passed in the First and Second Years of the Reign of His present Majesty, intituled *An Act for the Extension and Promotion of Public Works in* Ireland, are authorized and required, upon the Application of His Majesty's Postmaster General for the Time being, to cause Surveys, Maps, Plans, and Estimates of the several Lines of Post Roads in *Ireland* to be prepared when and as such Postmaster General shall certify to the said Commissioners that the same is necessary or advisable, and such Commissioners are required to cause such Surveys, Maps, Plans, and Estimates, when so prepared, to be laid before the respective Grand Juries at the next Assizes or Presenting Term of each and every County, County of a Town or City, through any Part of which any Line of Road referred to in such Surveys or Maps may pass or be carried; and if such

Grand Juries shall so think fit, they are authorized to present the Roads, and the Alterations thereof pointed out and recommended in any such Survey, and all Sums necessary for laying out, forming, gravelling, fencing, and repairing the same, and for the other Purposes connected therewith: And whereas it is expedient that Provision should be made for the more speedy and effectual Repair of Roads in *Ireland* upon which His Majesty's Mails are carried; be it therefore enacted, That it shall be lawful for the said Commissioners, upon the Application of the said Postmaster General for the Time being, setting forth and describing the Line of any such Road, or the Portion of any such Road, not being a Turnpike Road, which may stand in need of Repair, by and with the Consent of the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, to cause such Road, or such Portion thereof as shall be described in such Application, and any or every Bridge, Arch, or Pipe, Gullet and Wall thereon, to be put forthwith into good and sufficient Repair accordingly under the Superintendence of the County Surveyor; and that upon the Application of the said Commissioners, setting forth what Sum will be requisite and necessary from Time to Time for the Purposes aforesaid, it shall and may be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland* to direct, by his or their Warrant or Warrants, that the Sum or Sums of Money so required by the said Commissioners shall be advanced and paid to the said Commissioners out of the Produce of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, to be applied under the Directions of the said Commissioners in manner aforesaid.

Commissioners of Public Works may, on Application of Postmaster General, and with Consent of Lord Lieutenant, cause Post Roads to be repaired.

V. And be it further enacted, That whenever any such Road or Bridge, or any Portion thereof, shall be put in good and sufficient Repair, under the Direction of the said Commissioners, by virtue of the Provisions of this Act, the Secretary to the said Commissioners shall deliver or cause to be delivered to the Secretary of the Grand Jury of any and every County within which any such Road or Bridge, or any Portion thereof, shall be situate respectively, a Certificate of the Amount of Money which shall have been so expended upon the Repair of any such Road or Bridge, or any Portion thereof, and the other Expences aforesaid, within any and every such County respectively, together with an Account of the Items of such Expenditure, attested by the said County Surveyor; and every such Certificate and Account shall at the next or some succeeding Assizes be laid before the Grand Jury of any and every such County respectively; and thereupon it shall and may be lawful to and for the Grand Jury of any and every such County respectively, and any and every such Grand Jury are hereby authorized and required, to make Presentment of the Amount of such Expences as stated in such Certificate to be raised off such County at large; and it shall not be lawful for the Court at any Assizes to fiat any Presentment for raising any other Money until such Presentment for such Expences be first made and allowed; and when and so soon as the Sum so to be presented as aforesaid shall be raised and received by the Treasurer of any and every such County respectively, such Treasurer shall pay over the same respectively to the Collector of Excise for the

Amount of Money expended in such Repairs to be certified to the Grand Jury of the County, who shall raise the same by Presentment.

the District in which such Road or Bridge, or Portion thereof, shall be respectively situate, to be by him accounted for as any other Public Monies which may come into his Hands.

Expence of repairing Bridges between Counties to be borne equally.

VI. Provided always, and be it enacted, That where any Bridge which shall be repaired as aforesaid shall be situate partly in one County and partly in another, the Expence of repairing such Bridge shall be borne and defrayed equally between the several Counties, and the Certificates and Presentments by this Act required shall be made and raised accordingly.

Continuation of Act.

VII. And be it enacted, That this Act, in so much as respects the Repair of Roads on the Application of His Majesty's Postmaster General, shall be and remain in force for the Term of One Year from the passing thereof, and until the End of the then next Session of Parliament.

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ANNO QUARTO & QUINTO

GULIELMI IV. REGIS.

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CAP. XCII.

An Act for the Abolition of Fines and Recoveries, and for the Substitution of more simple Modes of Assurance, in *Ireland*. [15th *August* 1834.]

BE it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That in the Construction of this Act the Word "Lands" shall extend to Advowsons, Rectories, Messuages, Lands, Tenements, Tithes, Rents, and Hereditaments of any Tenure, and whether corporeal or incorporeal, and any undivided Share thereof; and the Word "Estate" shall extend to an Estate in Equity as well as at Law, and shall also extend to any Interest, Charge, Right, Title, Lien, or Incumbrance in, upon, to, or affecting Lands, either at Law or in Equity, whether present or vested, or future or contingent, and shall also extend to any Interest, Charge, Lien, or Incumbrance in, upon, or affecting Money subject to be invested in the Purchase of Lands; and the Expression "Base Fee" shall mean exclusively that Estate in Fee Simple into which an Estate Tail is converted where the Issue in Tail are barred, but Persons claiming Estates by way of Remainder or otherwise are not barred; and the Expression "Estate Tail," in addition to its usual Meaning, shall mean a Base Fee into which an Estate Tail shall have been converted; and the Expression "actual Tenant in Tail" shall mean exclusively the Tenant of an Estate Tail which

Meaning of certain Words and Expressions: "Lands."

"Estate."

"Base Fee."

"Estate Tail."

"Actual Tenant in Tail."

shall not have been barred, and such Tenant shall be deemed an actual Tenant in Tail, although the Estate Tail may have been divested or turned to a Right; and the Expression "Tenant in Tail" shall mean, not only an actual Tenant in Tail, but also a Person who, where an Estate Tail shall have been barred and converted into a Base Fee, would have been Tenant of such Estate Tail if the same had not been barred; and the Expression "Tenant in Tail entitled "to a Base Fee" shall mean a Person entitled to a Base Fee, or to the ultimate beneficial Interest in a Base Fee, and who if the Base Fee had not been created would have been actual Tenant in Tail; and the Expression "Money subject to be invested in the Purchase "of Lands" shall include Money whether raised or to be raised, and whether the Amount thereof be or be not ascertained, and shall extend to Stocks and Funds, and Real and other Securities, the Produce of which is directed to be invested in the Purchase of Lands, and the Lands to be purchased with such Money or Produce shall extend to Lands of any Tenure in *England* or elsewhere out of *Ireland* where such Lands or any of them are within the Scope or Meaning of the Trust or Power directing or authorizing the Purchase; and the Word "Person" shall extend to a Body Politic, Corporate, or Collegiate, as well as an Individual; and every Word importing the Singular Number only shall extend and be applied to several Persons or Things as well as one Person or Thing; and every Word importing the Plural Number shall extend and be applied to one Person or Thing as well as several Persons or Things; and every Word importing the Masculine Gender only shall extend and be applied to a Female as well as a Male; and every Assurance, already made or hereafter to be made, whether by Deed, Will, Private Act of Parliament, or otherwise, by which Lands are or shall be entailed or agreed or directed to be entailed, shall be deemed a Settlement; and every Appointment made in exercise of any Power contained in any Settlement, or of any other Power arising out of the Power contained in any Settlement, shall be considered as Part of such Settlement, and the Estate created by such Appointment shall be considered as having been created by such Settlement; and where any such Settlement is or shall be made by Will, the Time of the Death of the Testator shall be considered the Time when such Settlement was made: Provided always, that these Words and Expressions occurring in this Clause to which more than One Meaning is to be attached shall not have the different Meanings given to them by this Clause in those Cases in which there is any thing in the Subject or Context repugnant to such Construction.

"Tenant in Tail."

"Tenant in Tail entitled to a Base Fee."

"Money."

"Person."

Number and Gender.

Settlement.

No Fine or Recovery to be levied or suffered after the 31st of October 1834.

II. And be it further enacted, That after the Thirty-first Day of *October* One thousand eight hundred and thirty-four no Fine shall be levied or Common Recovery suffered of Lands of any Tenure in *Ireland*, except where Parties intending to levy a Fine or suffer a Common Recovery shall before the Thirty-first Day of *October* One thousand eight hundred and thirty-four have sued out a Writ of Dedimus or any other Writ in the regular Proceedings of such Fine or Recovery; and any Fine or Common Recovery which shall be levied or suffered contrary to this Provision shall be absolutely void.

III. And

III. And be it further enacted, That in case any Person shall, after the Thirty-first Day of *October* One thousand eight hundred and thirty-four, be liable to levy a Fine or suffer a Common Recovery of Lands of any Tenure in *Ireland*, or to procure some other Person to levy a Fine or suffer a Common Recovery of Lands of any Tenure, under a Covenant or Agreement already entered into, or hereafter to be entered into before the First Day of *November* One thousand eight hundred and thirty-four, then and in such Case, if all the Purposes intended to be effected by such Fine or Recovery can be effected by a Disposition under this Act, the Person liable to levy such Fine or suffer such Recovery, or to procure some other Person to levy such Fine or suffer such Recovery, shall after the Thirty-first Day of *October* One thousand eight hundred and thirty-four be subject and liable under such Covenant or Agreement to make or to procure to be made such a Disposition under this Act as will effect all the Purposes intended to be effected by such Fine or Recovery; but if some only of the Purposes intended to be effected by such Fine or Recovery can be effected by a Disposition under this Act, then the Person so liable to levy such Fine or suffer such Recovery, or to procure some other Person to levy such Fine or suffer such Recovery as aforesaid, shall after the Thirty-first Day of *October* One thousand eight hundred and thirty-four be subject and liable under such Covenant or Agreement to make or procure to be made such a Disposition under this Act as will effect such of the Purposes intended to be effected by such Fine or Recovery as can be effected by a Disposition under this Act; and in those Cases where the Purposes intended to be effected by such Fine or Recovery, or any of them, cannot be effected by any Disposition under this Act, then the Person so liable to levy such Fine or suffer such Recovery, or to procure some other Person to levy such Fine or suffer such Recovery as aforesaid, shall after the Thirty-first Day of *October* One thousand eight hundred and thirty-four be liable under such Covenant or Agreement to execute or to procure to be executed some Deed whereby the Person intended to levy such Fine or suffer such Recovery shall declare his Desire that such Deed shall have the same Operation and Effect as such Fine or Recovery would have had if the same had been actually levied or suffered; and the Deed by which such Declaration shall be made shall, if none of the Purposes intended to be effected by such Fine or Recovery can be effected by a Disposition under this Act, have the same Operation and Effect in every respect as such Fine or Recovery would have had if the same had been actually levied or suffered; but if some only of the Purposes intended to be effected by such Fine or Recovery can be effected by a Disposition under this Act, then the Deed by which such Declaration shall be made shall, so far as the Purposes intended to be effected by such Fine or Recovery cannot be effected by a Disposition under this Act, have the same Operation and Effect in every respect as such Fine or Recovery would have had if the same had been actually levied or suffered.

Persons liable after 31st October 1834 to levy Fines or suffer Recoveries under Covenants, to effect the Purposes intended by means of this Act; but if a Fine or Recovery cannot be so effected, the Persons liable to levy Fines or suffer Recoveries shall execute a Deed, which shall have the same Operation as the Fine or Recovery.

IV. And be it further enacted, That if it shall be apparent, from the Deed declaring the Uses of any Fine already levied or hereafter to be levied, that there is in the Indentures, Record, or any of the Proceedings of such Fine any Error in the Name of the Conusor or Conusee

Fines made valid without Amendment.

Conusee of such Fine, or any Misdescription or Omission of Lands intended to have been passed by such Fine, then and in every such Case the Fine, without any Amendment of the Indentures, Record, or Proceedings in which such Error, Misdescription, or Omission shall have occurred, shall be as good and valid as the same would have been, and shall be held to have passed all the Lands intended to have been passed thereby, in the same Manner as it would have done if there had been no such Error, Misdescription, or Omission.

Recoveries made valid without Amendment.

V. And be it further enacted, That if it shall be apparent, from the Deed making the Tenant to the Writ of Entry or other Writ for suffering a Common Recovery already suffered or hereafter to be suffered, that there is in the Exemplification, Record, or any of the Proceedings of such Recovery any Error in the Name of the Tenant, Demandant, or Vouchee in such Recovery, or any Misdescription or Omission of Lands intended to have been passed by such Recovery, then and in every such Case the Recovery, without any Amendment of the Exemplification, Record, or Proceedings in which such Error, Misdescription, or Omission shall have occurred, shall be as good and valid as the same would have been, and shall be held to have passed all the Lands intended to have been passed thereby, in the same Manner as it would have done if there had been no such Error, Misdescription, or Omission.

Saving Jurisdiction in Cases not provided for.

VI. Provided always, and be it further enacted, That nothing in this Act contained shall lessen or take away the Jurisdiction of any Court to amend any Fine or Common Recovery, or any Proceeding therein, in Cases not provided for by this Act.

Recoveries made valid in certain Cases where Bargain and Sale is not duly inrolled.

VII. And be it further enacted, That no Common Recovery, already suffered or hereafter to be suffered, shall be invalid in consequence of the Neglect to inrol in due Time a Bargain and Sale purporting to make the Tenant to the Writ of Entry or other Writ for suffering such Recovery, provided such Recovery would have been valid if the Bargain and Sale purporting to make the Tenant to the Writ had been duly inrolled.

Recoveries invalid in consequence of their not being proper Tenants to the Writs of Entry made valid in certain Cases.

VIII. And be it further enacted, That no Common Recovery, already suffered or hereafter to be suffered, shall be invalid in consequence of any Person in whom an Estate at Law was outstanding having omitted to make the Tenant to the Writ of Entry or other Writ for suffering such Recovery, provided the Person who was the Owner of or had Power to dispose of an Estate in Possession, not being less than an Estate for a Life or Lives in the whole of the Rents and Profits of the Lands in which such Estate at Law was outstanding, or the ultimate Surplus of such Rents and Profits after Payment of any Charges thereout, and whether any Surplus after Payment of such Charges shall actually remain or not, shall, within the Time limited for making the Tenant to the Writ for suffering such Recovery, have conveyed or disposed of such Estate in Possession to the Tenant to such Writ; and an Estate shall be deemed to be an Estate in Possession, notwithstanding there shall be subsisting prior thereto any Lease for Lives or Years, absolute or determinable, upon

which a Rent is reserved, or any Term of Years upon which no Rent is reserved.

Certain Cases in which Fines and Recoveries shall not be made valid by this Act.

IX. Provided always, and be it further enacted, That where any Fine or Common Recovery shall before the passing of this Act have been wholly reversed such Fine or Recovery shall not be rendered valid by this Act; and where any Fine or Common Recovery shall before the passing of this Act have been reversed as to some only of the Parties thereto, or as to some only of the Lands therein comprised, such Fine or Recovery shall not be rendered valid by this Act so far as the same shall have been reversed; and where any Person who would have been barred by any Fine or Common Recovery if valid shall before the passing of this Act have had any Dealings with the Lands comprised in such Fine or Recovery on the Faith of the same being invalid, such Fine or Recovery shall not be rendered valid by this Act; and this Act shall not render valid any Fine or Common Recovery as to Lands of which any Person shall at the Time of the passing of this Act be in possession in respect of any Estate which the Fine or Common Recovery if valid would have barred, nor any Fine or Common Recovery which before the passing of this Act any Court of competent Jurisdiction shall have refused to amend; nor shall this Act prejudice or affect any Proceedings at Law or in Equity pending at the Time of the passing of this Act in which the Validity of such Fine or Recovery shall be in question between the Party claiming under such Fine or Recovery and the Party claiming adversely thereto; and such Fine or Recovery, if the Result of such Proceedings shall be to invalidate the same, shall not be rendered valid by this Act; and if such Proceedings shall abate or become defective in consequence of the Death of the Party claiming under or adversely to such Fine or Recovery, any Person who but for this Act would have a Right of Action or Suit by reason of the Invalidity of such Fine or Recovery shall retain such Right, so that he commence Proceedings within Six Calendar Months after the Death of such Party.

As to the Records of Fines and Recoveries in the Courts of Common Pleas in Dublin after the 31st of October 1834.

X. And be it further enacted, That after the Thirty-first Day of *October* One thousand eight hundred and thirty-four the Records of all Fines and Common Recoveries levied and suffered in His Majesty's Court of Common Pleas in *Dublin*, and all the Proceedings thereof, shall be deposited in such Places and kept by such Persons as the said Court of Common Pleas shall from Time to Time order or direct; and in the meantime the said Records and Proceedings shall remain in the same Place where they are now deposited, and be kept by the Person who would have continued entitled to the Custody thereof if this Act had not been passed; and while the said Records and Proceedings shall be kept by such Person, Searches may be made, and Extracts and Copies obtained, as heretofore, and on paying the accustomed Fees; and when any of the Records and Proceedings shall by the Order of the said Court be kept by any other Person, then, so far as relates to the Records and Proceedings in the Custody of such other Person, Searches may be made, and Extracts or Copies obtained, at such Times and on paying such Fees as shall from Time to Time be ordered by the said Court; and the Extracts or Copies so obtained

shall be as available in Evidence as they would have been if obtained from the Person whose Duty it would have been to have made and delivered out the same if this Act had not been passed.

Estates Tail, and Estates expectant thereon, no longer barrable by Warranty.

XI. And be it further enacted, That all Warranties of Lands which after the Thirty-first Day of *October* One thousand eight hundred and thirty-four shall be made or entered into by any Tenant in Tail thereof shall be absolutely void against the Issue in Tail, and all Persons whose Estates are to take effect after the Determination or in Defeasance of the Estate Tail.

Power, after the 31st October 1834 to dispose of Lands entailed in Fee Simple, or for a less Estate, saving the Rights of certain Persons.

XII. And be it further enacted, That after the Thirty-first Day of *October* One thousand eight hundred and thirty-four every actual Tenant in Tail, whether in Possession, Remainder, Contingency, or otherwise, shall have full Power to dispose of, for an Estate in Fee Simple absolute, or for any less Estate, the Lands entailed, as against all Persons claiming the Lands entailed by force of any Estate Tail which shall be vested in or might be claimed by, or which but for some previous Act would have been vested in or might have been claimed by, the Person making the Disposition, at the Time of his making the same, and also as against all Persons whose Estates are to take effect after the Determination or in Defeasance of any such Estate Tail, including the King's most Excellent Majesty, His Heirs and Successors, as regards the Title to His Majesty to any Reversion or Remainder created or reserved by any Settlement or Will, and which Reversion or Remainder shall have come or shall hereafter come to the Crown in consequence of the Attainder of any Person to whom the forfeited Reversion or Remainder was previously to such Forfeiture limited by any Settlement or Will, but not in any other Case, or where the Title to the Crown shall have accrued by any other Means; saving always the Rights of all Persons in respect of Estates prior to the Estate Tail in respect of which such Disposition shall be made, and the Rights of all other Persons, except those against whom such Disposition is by this Act authorized to be made.

Power of Disposition not to be exercised by Women Tenants in Tail ex provisione viri under 10 Car. 1. sess. 2. c. 8. except with Assent.

XIII. Provided always, and be it further enacted, That where, under any Settlement made before the passing of this Act, any Woman shall be Tenant in Tail of Lands within the Provisions of an Act passed in the Tenth Year of the Reign of His Majesty King *Charles* the First, intituled *An Act for the Exposition of the Statute of Fines*, the Power of Disposition herein-before contained as to such Lands shall not be exercised by her, except with such Assent as if this Act had not been passed would under the Provisions of the said Act of King *Charles* the First have rendered valid a Fine or Common Recovery levied or suffered by her of such Lands.

Except as to Lands in Settlements before this Act, the Act 10 Car. 1. c. 8. repealed.

XIV. Provided always, and be it further enacted, That, except as to Lands comprised in any Settlement made before the passing of this Act, the said Act of the Tenth Year of the Reign of His Majesty King *Charles* the First shall be and the same is hereby repealed.

XV. Pro-

XV. Provided always, and be it further enacted, That the Power of Disposition herein-before contained shall not extend to Tenants in Tail after Possibility of Issue extinct. Power of Disposition limited.

XVI. And be it further enacted, That after the Thirty-first Day of *October* One thousand eight hundred and thirty-four, in every Case in which an Estate Tail in any Lands shall have been barred and converted into a Base Fee, either before or on or after that Day, the Person who if such Estate Tail had not been barred would have been actual Tenant in Tail of the same Lands shall have full Power to dispose of such Lands as against all Persons whose Estates are to take effect after the Determination or in Defeasance of the Base Fee into which the Estate Tail shall have been converted, so as to enlarge the Base Fee into a Fee Simple absolute, including the King's most Excellent Majesty, His Heirs and Successors, as regards the Title to His Majesty to any Reversion or Remainder created or reserved by any Settlement or Will, and which Reversion or Remainder shall have come or shall hereafter come to the Crown in consequence of the Attainder of any Person to whom the forfeited Reversion or Remainder was previously to such Forfeiture limited by any Settlement or Will, but not in any other Case, or where the Title to the Crown shall have accrued by any other Means; saving always the Rights of all Persons in respect of Estates prior to the Estate Tail which shall have been converted into a Base Fee, and the Rights of all other Persons, except those against whom such Disposition is by this Act authorized to be made: Provided always, that nothing in this Act contained shall authorize any Tenant in Tail or other Person to defeat or bar any Estate or Interest which may at the Time of passing this Act have been granted to any Person or Persons by His Majesty, or any of His Predecessors, in any Reversion or Remainder which may have come to the Crown by Attainder or otherwise. Power, after the 31st of *October* 1834, to enlarge Base Fees; saving the Rights of certain Persons. Proviso.

XVII. Provided always, and be it further enacted, That nothing in this Act contained shall enable any Person to dispose of any Lands entailed in respect of any expectant Interest or Possibility which he may have as Issue inheritable to any Estate Tail therein. Issue inheritable not to bar Expectancies.

XVIII. Provided always, and be it further enacted, That if a Tenant in Tail of Lands shall make a Disposition of the same under this Act by way of Mortgage, or for any other limited Purpose, then and in such Case such Disposition shall, to the Extent of the Estate thereby created, be an absolute Bar in Equity as well as at Law to all Persons as against whom such Disposition is by this Act authorized to be made, notwithstanding any Intention to the contrary may be expressed or implied in the Deed by which the Disposition may be effected: Provided always, that if the Estate created by such Disposition shall be only an Estate *pour autre vie*, or for Years absolute or determinable, or if, by a Disposition under this Act by a Tenant in Tail of Lands, an Interest, Charge, Lien, or Incumbrance shall be created, without a Term of Years absolute or determinable, or any greater Estate, for securing or raising the same, then such Disposition shall in Equity be a Bar only so far as may be necessary to give full Effect to the Mortgage, or to such other limited Purpose, or to such Interest, Lien, Charge, Extent of the Estate created by a Tenant in Tail by way of Mortgage, or for any other limited Purpose.

Charge, or Incumbrance, notwithstanding any Intention to the contrary may be expressed or implied in the Deed by which the Disposition may be effected.

The Owner of the first existing Estate under a Settlement, prior to an Estate Tail under the same Settlement, to be the Protector of the Settlement.

XIX. And be it further enacted, That if at the Time when there shall be a Tenant in Tail of Lands under a Settlement there shall be subsisting in the same Lands or any of them under the same Settlement any Estate for Years determinable on the dropping of a Life or Lives, or any greater Estate, (not being an Estate for Years,) prior to the Estate Tail, then the Person who shall be the Owner of the prior Estate, or the first of such prior Estates if more than One, then subsisting under the same Settlement, or who would have been so if no absolute Disposition thereof had been made, (the first of such prior Estates, if more than One, being for all the Purposes of this Act deemed the prior Estate,) shall be the Protector of the Settlement so far as regards the Lands in which such prior Estate shall be subsisting, and shall for all the Purposes of this Act be deemed the Owner of such prior Estate, although the same may have been charged or incumbered, either by the Owner thereof or by the Settlor, or otherwise howsoever, and although the whole of the Rents and Profits be exhausted, or required for the Payment of the Charges and Incumbrances on such prior Estate, and although such prior Estate may have been absolutely disposed of by the Owner thereof, or by or in consequence of the Bankruptcy or Insolvency of such Owner, or by any other Act or Default of such Owner; and that an Estate by the Curtesy, in respect of the Estate Tail, or of any prior Estate created by the same Settlement, shall be deemed a prior Estate under the same Settlement within the Meaning of this Clause; and that an Estate by way of resulting Use or Trust to or for the Settlor shall be deemed an Estate under the same Settlement within the Meaning of this Clause.

Each of Two or more Owners of a prior Estate to be the sole Protector as to his Share.

XX. Provided always, and be it further enacted, That where Two or more Persons shall be Owners, under a Settlement within the Meaning of this Act, of a prior Estate, the sole Owner of which Estate, if there had been only One, would in respect thereof have been the Protector of such Settlement, each of such Persons, in respect of such undivided Share as he could dispose of, shall for all the Purposes of this Act be deemed the Owner of a prior Estate, and shall, in exclusion of the other or others of them, be the sole Protector of such Settlement to the Extent of such undivided Share.

Where a married Woman alone shall be the Protector, and where she and her Husband together shall be Protector.

XXI. Provided always, and be it further enacted, That where a married Woman would if single be the Protector of a Settlement in respect of a prior Estate which is not thereby settled or agreed or directed to be settled to her separate Use, she and her Husband together shall in respect of such Estate be the Protector of such Settlement, and shall be deemed One Owner; but if such prior Estate shall by such Settlement have been settled or agreed or directed to be settled to her separate Use, then and in such Case she alone shall in respect of such Estate be the Protector of such Settlement.

Persons empowered to dispose of

XXII. And be it further enacted, That from and after the Thirty-first Day of *October* One thousand eight hundred and thirty-four it

shall be lawful for any Person, either before or after he shall become entitled in any Manner, except as expectant Heir of a living Person, or as expectant Heir of the Body of a living Person, to an Estate in Lands, not being a vested Estate, and whether he be or be not ascertained as the Person or One of the Persons in whom the same may become vested, to dispose of such Lands for the Whole or any Part of such Estate therein by any Assurance, whether Deed, Will, or any other Instrument by which he could have made such Disposition if such Estate were a vested Estate in Possession: Provided nevertheless, that no such Disposition shall be valid or have any Effect where the Person making the same shall not at the Time of the Disposition have become entitled to such Estate, unless the Deed, Will, or other Instrument by virtue of which he may become entitled be existing and in operation at the Time of the Disposition.

Lands not being vested Estate.

XXIII. Provided always, and be it further enacted, That except in the Case of a Lease herein-after provided for, where an Estate shall be limited by a Settlement by way of Confirmation, or where the Settlement shall merely have the Effect of restoring an Estate, in either of those Cases such Estate shall for the Purposes of this Act, so far as regards the Protector of the Settlement, be deemed an Estate subsisting under such Settlement.

As to Estates confirmed or restored by Settlement.

XXIV. Provided always, and be it further enacted, That where a Lease at a Rent shall be created or confirmed by a Settlement, the Person in whose Favour such Lease shall be created or confirmed shall not in respect thereof be the Protector of such Settlement.

As to Leases at Rent created by Settlement.

XXV. Provided always, and be it further enacted, That no Woman in respect of her Dower, and (except in the Case herein-after provided for of a bare Trustee under a Settlement made before the Thirty-first Day of *October* One thousand eight hundred and thirty-four) no bare Trustee, Heir, Executor, Administrator, or Assign, in respect of any Estate taken by him as such bare Trustee, Heir, Executor, Administrator, or Assign, shall be the Protector of a Settlement.

No Tenant in Dower, Heir, Executor, &c. to be Protector, except in the Case of a bare Trustee.

XXVI. Provided always, and be it further enacted, That where under any Settlement there shall be more than One Estate prior to an Estate Tail, and the Person who shall be the Owner within the Meaning of this Act of any such prior Estate in respect of which but for the Two last preceding Clauses or either of them he would have been the Protector of the Settlement shall by virtue of such Clauses or either of them be excluded from being the Protector, then and in such Case the Person (if any) who if such Estate did not exist would be the Protector of the Settlement shall be such Protector.

Who shall be the Protector where the Owner of the prior Estate shall by the Two last Clauses be excluded.

XXVII. Provided always, and be it further enacted, That where already, or before the Thirty-first Day of *October* One thousand eight hundred and thirty-four, an Estate under a Settlement shall have been disposed of either absolutely or otherwise, and either for valuable Consideration or not, the Person who in respect of such Estate would if this Act had not been passed have been the proper Person to have made

Where, in the Disposition of an Estate before the 31st October 1834, the Person to make the

Tenant to the Writ of Entry in a Recovery shall be the Protector.

made the Tenant to the Writ of Entry or other Writ for suffering a Common Recovery of the Lands entailed by such Settlement shall, during the Continuance of the Estate which conferred the Right to make the Tenant to such Writ of Entry or other Writ, be the Protector of such Settlement.

Where, in the Case of the Disposition of a Reversion on or before the 31st October 1834, the Person to make the Tenant to the Writ of Entry in a Recovery shall be the Protector.

XXVIII. Provided always, and be it further enacted, That where any Person having, either already, or before the Thirty-first Day of *October* One thousand eight hundred and thirty-four, either for valuable Consideration or not, disposed of, either absolutely or otherwise, a Remainder or Reversion in Fee in any Lands, or created any Estate out of such Remainder or Reversion, would under this Act if this Clause had not been inserted have been the Protector of the Settlement by which the Lands were entailed in which such Remainder or Reversion may be subsisting, and thereby be enabled to concur in the barring of such Remainder or Reversion, which he could not have done if he had not become such Protector, then and in every such Case the Person who if this Act had not been passed would have been the proper Person to have made the Tenant to the Writ of Entry or other Writ for suffering a Common Recovery of such Lands shall, during the Continuance of the Estate which conferred the Right to make the Tenant to such Writ of Entry or other Writ, be the Protector of such Settlement.

Where a bare Trustee under a Settlement made before the passing of this Act shall be the Protector.

XXIX. Provided always, and be it further enacted, That where under any Settlement of Lands made before the passing of this Act the Person who if this Act had not been passed would have been the proper Person to make the Tenant to the Writ of Entry or other Writ for suffering a Common Recovery of such Lands for the Purpose of barring any Estate Tail or other Estate under such Settlement shall be a bare Trustee, such Trustee shall, during the Continuance of the Estate conferring on him the Right to make the Tenant to such Writ of Entry or other Writ, be the Protector of such Settlement.

Power to any Settlor to appoint the Protector.

XXX. Provided always, and be it further enacted, That it shall be lawful for any Settlor entailing Lands to appoint, by the Settlement by which the Lands shall be entailed, any Number of Persons *in esse*, not exceeding Three, and not being Aliens, to be Protector of the Settlement in lieu of the Person who would have been the Protector if this Clause had not been inserted, and either for the Whole or any Part of the Period for which such Person might have continued Protector, and by means of a Power to be inserted in such Settlement to perpetuate during the Whole or any Part of such Period the Protectorship of the Settlement in any One Person or Number of Persons *in esse*, and not being an Alien or Aliens, whom the Donee of the Power shall think proper by Deed to appoint Protector of the Settlement, in the Place of any One Person or Number of Persons who shall die, or shall by Deed relinquish his or their Office of Protector; and the Person or Persons so appointed shall, in case of there being no other Person then Protector of the Settlement, be the Protector, and shall, in case of there being any other Person then Protector of the Settlement, be Protector jointly with such other Person: Provided nevertheless, that by virtue or means of any such Appoint-

ment the Number of the Persons to compose the Protector shall never exceed Three: Provided further, nevertheless, that every Deed by which a Protector shall be appointed under a Power in a Settlement, and every Deed by which a Protector shall relinquish his Office, shall be void, unless inrolled in His Majesty's High Court of Chancery in *Ireland* within Six Calendar Months after the Execution thereof: Provided further, nevertheless, that the Person who but for this Clause would have been sole Protector of the Settlement may be one of the Persons to be appointed Protector under this Clause, if the Settlor shall think fit, and shall, unless otherwise directed by the Settlor, act as sole Protector, if the other Persons constituting the Protector shall have ceased to be so by Death, or Relinquishment of the Office by Deed, and no other Person shall have been appointed in their Place.

In Cases of Lunacy, the Lord Chancellor, or Lord Keeper or Lords Commissioners, or other Persons intrusted with Lunatics, or, in Cases of Treason or Felony, &c., the Court of Chancery, to be the Protector.

XXXI. Provided always, and be it further enacted, That if any Person, Protector of a Settlement, shall be lunatic, idiot, or of unsound Mind, and whether he shall have been found such by Inquisition or not, then the Lord High Chancellor of *Ireland*, or the Lord Keeper or the Lords Commissioners for the Custody of the Great Seal of *Ireland*, for the Time being, or other the Person or Persons for the Time being intrusted by the King's Sign Manual with the Care and Commitment of the Custody of the Persons and Estates of Persons found lunatic, idiot, and of unsound Mind, shall be the Protector of such Settlement in lieu of the Person who shall be such Lunatic or Idiot, or of unsound Mind as aforesaid; or if any Person, Protector of a Settlement, shall be convicted of Treason or Felony, or if any Person, not being the Owner of a prior Estate under a Settlement, shall be Protector of such Settlement, and shall be an Infant, or if it shall be uncertain whether such last-mentioned Person be living or dead, then His Majesty's High Court of Chancery in *Ireland* shall be the Protector of such Settlement in lieu of the Person who shall be an Infant, or whose Existence cannot be ascertained as aforesaid; or if any Settlor entailing Lands shall in the Settlement by which the Lands shall be entailed declare that the Person who as Owner of a prior Estate under such Settlement would be entitled to be Protector of the Settlement, shall not be such Protector, and shall not appoint any Person to be Protector in his Stead, then the said Court of Chancery shall, as to the Lands in which such prior Estate shall be subsisting, be the Protector of the Settlement during the Continuance of such Estate; or if in any other Case where there shall be subsisting under a Settlement an Estate prior to an Estate Tail under the same Settlement, and such prior Estate shall be sufficient to qualify the Owner thereof to be Protector of the Settlement, and there shall happen at any Time to be no Protector of the Settlement as to the Lands in which the prior Estate shall be subsisting, the said Court of Chancery shall, while there shall be no such Protector, and the prior Estate shall be subsisting, be the Protector of the Settlement as to such Lands.

Where there is a Protector, his Consent requi-

XXXII. Provided always, and be it further enacted, That if at the Time when any Person, actual Tenant in Tail of Lands under a Settlement, but not entitled to the Remainder or Reversion in Fee immediately

site to enable an actual Tenant in Tail to create a larger Estate than a Base Fee.

diately expectant on the Determination of his Estate Tail, shall be desirous of making under this Act a Disposition of the Lands entailed, there shall be a Protector of such Settlement, then and in every such case the Consent of such Protector shall be requisite to enable such actual Tenant in Tail to dispose of the Lands entailed to the full Extent to which he is herein-before authorized to dispose of the same; but such actual Tenant in Tail may without such Consent make a Disposition under this Act of the Lands entailed, which shall be good against all Persons who by force of any Estate Tail which shall be vested in or might be claimed by, or which but for some previous Act or Default would have been vested in or might have been claimed by, the Person making the Disposition at the Time of his making the same, shall claim the Lands entailed.

Where a Base Fee, and a Protector, his Consent requisite to the exercising of a Power of Disposition.

XXXIII. Provided always, and be it further enacted, That where an Estate Tail shall have been converted into a Base Fee, in such Case, so long as there shall be a Protector of the Settlement by which the Estate Tail was created, the Consent of such Protector shall be requisite to enable the Person who would have been Tenant of the Estate Tail if the same had not been barred to exercise as to the Lands in respect of which there shall be such Protector, the Power of Disposition herein-before contained.

The Protector to be subject to no Control in the exercise of his Power of consenting.

XXXIV. And be it further enacted, That any Device, Shift, or Contrivance by which it shall be attempted to control the Protector of a Settlement in giving his Consent, or to prevent him in any way from using his absolute Discretion in regard to his Consent, and also any Agreement entered into by the Protector of a Settlement to withhold his Consent, shall be void; and that the Protector of a Settlement shall not be deemed to be a Trustee in respect of his Power of Consent; and a Court of Equity shall not control or interfere to restrain the Exercise of his Power or Consent, nor treat his giving Consent as a Breach of Trust.

Certain Rules of Equity not to apply between the Protector and a Tenant in Tail under the same.

XXXV. Provided always, and be it further enacted, That the Rules of Equity in relation to Dealings and Transactions between the Donee of a Power and any Object of the Power in whose Favour the same may be exercised shall not be held to apply to Dealings and Transactions between the Protector of a Settlement and a Tenant in Tail under the same Settlement, upon the Occasion of the Protector giving his Consent to a Disposition by a Tenant in Tail under this Act.

A voidable Estate by a Tenant in Tail, in favour of a Purchaser, confirmed by a subsequent Disposition of such Tenant in Tail under this

XXXVI. Provided always, and be it further enacted, That when a Tenant in Tail of Lands under a Settlement shall have already created or shall hereafter create in such Lands or any of them a voidable Estate in favour of a Purchaser for valuable Consideration, and shall afterwards under this Act, by any Assurance other than a Lease not requiring Inrolment, make a Disposition of the Lands in which such voidable Estate shall be created, or any of them, such Disposition, whatever its Object may be, and whatever may be the Extent of the Estate intended to be thereby created, shall, if made by the Tenant in Tail with the Consent of the Protector (if any) of the Settlement,

Settlement, or by the Tenant in Tail alone if there shall be no such Protector, have the Effect of confirming such voidable Estate in the Lands thereby disposed of to its full Extent as against all Persons except those whose Rights are saved by this Act; but if at the Time of making the Disposition there shall be a Protector of the Settlement, and such Protector shall not consent to the Disposition, and the Tenant in Tail shall not without such Consent be capable under this Act of confirming the voidable Estate to its full Extent, then and in such Case such Disposition shall have the Effect of confirming such voidable Estate so far as such Tenant in Tail would then be capable under this Act of confirming the same without such Consent: Provided always, that if such Disposition shall be made to a Purchaser for valuable Consideration, who shall not have express Notice of the voidable Estate, and if the Deed or Instrument creating such voidable Estate shall not have been registered previous to such Disposition, then and in such Case the voidable Estate shall not be confirmed as against such Purchaser and the Persons claiming under him.

Act, but not against a Purchaser without Notice.

XXXVII. And be it further enacted, That if a Base Fee in any Lands, and the Remainder or Reversion in Fee in the same Lands, shall at the Time of the passing of this Act, or at any Time afterwards, be united in the same Person, and at any Time after the passing of this Act there shall be no intermediate Estate between the Base Fee and the Remainder or Reversion, then and in such Case the Base Fee shall not merge, but shall be *ipso facto* enlarged into as large an Estate as the Tenant in Tail, with the Consent of the Protector, if any, might have created by any Disposition under this Act if such Remainder or Reversion had been vested in any other Person.

Base Fees, when united with the immediate Reversions, enlarged instead of being merged.

XXXVIII. And be it further enacted, That every Disposition of Lands under this Act by a Tenant in Tail thereof shall be effected by some one of the Assurances (not being a Will) by which such Tenant in Tail could have made the Disposition if his Estate were an Estate at Law in Fee Simple absolute: Provided nevertheless, that no Disposition by a Tenant in Tail shall be of any Force, either at Law or in Equity, under this Act, unless made or evidenced by Deed; and that no Disposition by a Tenant in Tail, resting only in Contract, either express or implied, or otherwise, and whether supported by a valuable or meritorious Consideration or not, shall be of any Force at Law or in Equity under this Act, notwithstanding such Disposition shall be made or evidenced by Deed; and if the Tenant in Tail making the Disposition shall be a married Woman, the Concurrence of her Husband shall be necessary to give effect to the same; and any Deed which may be executed by her for effecting the Disposition shall be acknowledged by her as herein-after directed.

Tenant in Tail to make a Disposition by Deed, as if seised in Fee, but not by Will or Contract; and if a married Woman, with her Husband's Concurrence.

XXXIX. Provided always, and be it further enacted, That no Assurance by which any Disposition of Lands shall be effected under this Act by a Tenant in Tail thereof (except a Lease for any Term not exceeding Twenty-one Years, to commence from the Date of such Lease, or from any Time not exceeding Twelve Calendar Months from the Date of such Lease, where a Rent shall be thereby reserved

Every Assurance by a Tenant in Tail, except a Lease not exceeding 21 Years at a Rack Rent,

or not less than Five Sixths of a Rack Rent, to be inoperative unless inrolled in Chancery within Six Months. 10 C. 1. sess. 2. c. 1. s. 17.

reserved which at the Time of granting such Lease shall be a Rack Rent, or not less than Five Sixth Parts of a Rack Rent,) shall have any Operation under this Act unless it be inrolled in His Majesty's High Court of Chancery in *Ireland* within Six Calendar Months after the Execution thereof; and if the Assurance by which any Disposition of Lands shall be effected under this Act shall be a Bargain and Sale, such Assurance, although not inrolled within the Time prescribed by the Act passed in the Tenth Year of the Reign of His Majesty King *Charles* the First, intituled *An Act expressing an Order for Uses, Wills, and Testaments*, shall, if inrolled in the said Court of Chancery within the Time prescribed by this Clause, be as good and valid as the same would have been if the same had been inrolled in the said Court within the Time prescribed by the said Act of the Tenth Year of the Reign of King *Charles* the First.

Consent of the Protector to be given by the same Assurance, or by a distinct Deed.

XL. And be it further enacted, That the Consent of the Protector of a Settlement to the Disposition under this Act of a Tenant in Tail shall be given either by the same Assurance by which the Disposition shall be effected, or by a Deed distinct from the Assurance, and to be executed either on or at any Time before the Day on which the Assurance shall be made, otherwise the Consent shall be void.

If by distinct Deed, to be considered unqualified, unless he refer to the Assurance.

XLI. And be it further enacted, That if the Protector of a Settlement shall, by a distinct Deed, give his Consent to the Disposition of a Tenant in Tail, it shall be considered that such Protector has given an absolute and unqualified Consent, unless in such Deed he shall refer to the particular Assurance by which the Disposition shall be effected, and shall confine his Consent to the Disposition thereby made.

Protector not to revoke his Consent.

XLII. And be it further enacted, That it shall not be lawful for the Protector of a Settlement, who under this Act shall have given his Consent to the Disposition of a Tenant in Tail, to revoke such Consent.

A married Woman Protector to consent as a Feme Sole.

XLIII. And be it further enacted, That any married Woman, being either alone or jointly with her Husband Protector of a Settlement, may, under this Act, in the same Manner as if she were a Feme Sole, give her Consent to the Disposition of a Tenant in Tail.

Consent of a Protector by distinct Deed void, unless inrolled with or before the Assurance.

XLIV. Provided always, and be it further enacted, That the Consent of a Protector to the Disposition of a Tenant in Tail shall, if given by a Deed distinct from the Assurance by which the Disposition shall be effected by the Tenant in Tail, be void, unless such Deed be enrolled in His Majesty's High Court of Chancery either at or before the Time when the Assurance shall be enrolled.

Courts of Equity excluded from giving any Effect to Dispositions by Tenants

XLV. And be it further enacted, That in Cases of Dispositions of Lands under this Act by Tenants in Tail thereof, and also in Cases of Consents by Protectors of Settlements to Dispositions of Lands under this Act by Tenants in Tail thereof, the Jurisdiction of Courts of Equity shall be altogether excluded, either on the Behalf of a Person claiming for a valuable or meritorious Consideration or not, in regard

regard to the specific Performance of Contracts and the supplying of Defects in the Execution either of the Powers of Disposition given by this Act to Tenants in Tail, or of the Powers of Consent given by this Act to Protectors of Settlements and the supplying under any Circumstances of the Want of Execution of such Powers of Disposition and Consent respectively, and in regard to giving effect in any other Manner to any Act or Deed by a Tenant in Tail or Protector of a Settlement which in a Court of Law would not be an effectual Disposition or Consent under this Act; and that no Disposition of Lands under this Act by a Tenant in Tail thereof in Equity, and no Consent by a Protector of a Settlement to a Disposition of Lands under this Act by a Tenant in Tail thereof in Equity, shall be of any Force, unless such Disposition or Consent would in case of an Estate Tail at Law be an effectual Disposition or Consent under this Act in a Court of Law.

in Tail, or Consents of Protectors of Settlements, which in Courts of Law would not be effectual.

XLVI. Provided always, and be it further enacted, That in every Case in which the Lord High Chancellor, Lord Keeper or Lords Commissioners for the Custody of the Great Seal, or other the Person or Persons intrusted with the Care and Commitment of the Custody of the Persons and Estates of Persons found lunatic, idiot, and of unsound Mind, or His Majesty's High Court of Chancery in *Ireland*, shall be the Protector of a Settlement, such Lord High Chancellor, Lord Keeper or Lords Commissioners, or Person or Persons so intrusted as aforesaid, or the said Court of Chancery (as the Case may be), while Protector of such Settlement, shall, on the Motion or Petition in a summary Way by a Tenant in Tail under such Settlement, have full Power to consent to a Disposition under this Act by such Tenant in Tail, and the Disposition to be made by such Tenant in Tail upon such Motion or Petition as aforesaid shall be such as shall be approved of by such Lord High Chancellor, Lord Keeper or Lords Commissioners, or Person or Persons so intrusted as aforesaid, or the said Court of Chancery (as the Case may be); and it shall be lawful for such Lord High Chancellor, Lord Keeper or Lords Commissioners, or Person or Persons so intrusted as aforesaid, or the said Court of Chancery (as the Case may be), to make such Orders in the Matter as shall be thought necessary; and if such Lord High Chancellor, Lord Keeper or Lords Commissioners, or Person or Persons so intrusted as aforesaid, or the said Court of Chancery (as the Case may be), shall, in lieu of any such Person as aforesaid, be the Protector of a Settlement, and there shall be any other Person Protector of the same Settlement jointly with such Person as aforesaid, then and in every such Case the Disposition by the Tenant in Tail, though approved of as aforesaid, shall not be valid, unless such other Person being Protector as aforesaid shall consent thereto in the Manner in which the Consent of the Protector is by this Act required to be given.

Lord Chancellor, &c. to have Power to consent to a Disposition by a Tenant in Tail, and to make such Orders as shall be thought necessary; and if any other Person shall be joint Protector, the Disposition not to be valid without his Consent.

XLVII. Provided always, and be it further enacted, That in every Case in which the Lord High Chancellor, Lord Keeper or Lords Commissioners for the Custody of the Great Seal in *Ireland*, or other the Person or Persons intrusted with the Care and Commitment of the Custody of the Persons and Estates of Persons found lunatic, idiot, and of unsound Mind, or His Majesty's High Court of Chancery in *Ireland*,

Order of the Lord Chancellor, &c. to be Evidence of Consent.

Ireland, shall be the Protector of a Settlement, no Document or Instrument, as Evidence of the Consent of such Protector to the Disposition of a Tenant in Tail under such Settlement, shall be requisite, beyond the Order in obedience to which the Disposition shall have been made.

Repeal of the Bankrupt Act, 11 & 12 G. 3. c. 8. so far as relates to Estates Tail, but not to extend to Lands of a Bankrupt under a Commission issued on or before the 31st of October 1834.

XLVIII. And be it further enacted, That after the Thirty-first Day of *October* One thousand eight hundred and thirty-four so much of an Act passed in the Eleventh and Twelfth Years of the Reign of His Majesty King *George* the Third, intituled *An Act to prevent Frauds committed by Bankrupts*, as empowers the Commissioners named in any Commission of Bankrupt issued against a Tenant in Tail to make Sale of any Lands, Tenements, and Hereditaments whereof such Bankrupt shall be seised of any Estate Tail in Possession, Reversion, or Remainder, and whereof no Reversion or Remainder is in the Crown, the Gift or Provision of the Crown, shall be and the same is hereby repealed: Provided always, that such Repeal shall not extend to the Lands, whatever the Tenure may be, of any Person adjudged a Bankrupt under any Commission of Bankrupt which hath been or shall be issued before the Thirty-first Day of *October* One thousand eight hundred and thirty-four.

The Commissioner, in the Case of an actual Tenant in Tail becoming bankrupt after the 31st October 1834, by Deed to dispose of the Lands of the Bankrupt to a Purchaser.

XLIX. And be it further enacted, That any Commissioner acting in the Execution of any Commission which after the Thirty-first Day of *October* One thousand eight hundred and thirty-four shall be issued in pursuance of the said Act passed in the Eleventh and Twelfth Years of the Reign of King *George* the Third, under which any Person shall be adjudged a Bankrupt, who at the Time of issuing such Commission, or at any Time afterwards before he shall have obtained his Certificate, shall be an actual Tenant in Tail of Lands of any Tenure, shall by Deed dispose of such Lands to a Purchaser for valuable Consideration, for the Benefit of the Creditors of such actual Tenant in Tail, and shall create by any such Disposition as large an Estate in the Lands disposed of as the actual Tenant in Tail, if he had not become Bankrupt, could have done under this Act at the Time of such Disposition: Provided always, that if at the Time of the Disposition of such Lands or any of them, by such Commissioner as aforesaid, there shall be a Protector of the Settlement by which the Estate of such actual Tenant in Tail in the Lands disposed of by such Commissioner was created, and the Consent of such Protector would have been requisite to have enabled the actual Tenant in Tail, if he had not become bankrupt, to have disposed of such Lands to the full Extent to which if there had been no such Protector he could under this Act have disposed of the same, and such Protector shall not consent to the Disposition, then and in such Case the Estate created in such Lands, or any of them, by the Disposition of such Commissioner, shall be as large an Estate as the actual Tenant in Tail, if he had not become bankrupt, could at the Time of such Disposition have created under this Act in such Lands without the Consent of the Protector.

Commissioner, in case of a Tenant in

L. And be it further enacted, That any Commissioner acting in the Execution of any such Commission as aforesaid, under which any Person shall be adjudged a Bankrupt who, at the Time of issuing such

Commission or at any Time afterwards before he shall have obtained his Certificate, shall be a Tenant in Tail entitled to a Base Fee in Lands of any Tenure, shall by Deed dispose of such Lands to a Purchaser for valuable Consideration for the Benefit of the Creditors of the Person so entitled as aforesaid, provided at the Time of the Disposition there be no Protector of the Settlement by which the Estate Tail converted into the Base Fee was created, and by such Disposition the Base Fee shall be enlarged into as large an Estate as the same could at the Time of such Disposition have been enlarged into under this Act by the Person so entitled if he had not become bankrupt.

Tail entitled to a Base Fee becoming bankrupt, and of there being no Protector, by Deed to dispose of the Lands of the Bankrupt to a Purchaser.

LI. And be it further enacted, That the Commissioner acting in the Execution of any such Commission as aforesaid under which a Person being, or before obtaining his Certificate becoming, an actual Tenant in Tail of Lands of any Tenure, or a Tenant in Tail entitled to a Base Fee in Lands of any Tenure, shall be adjudged a Bankrupt, shall, if there shall be a Protector of the Settlement by which the Estate Tail of such actual Tenant in Tail, or the Estate Tail converted into a Base Fee (as the Case may be), was created, stand in the Place of such actual Tenant in Tail, or Tenant in Tail so entitled as aforesaid, so far as regards the Consent of such Protector; and the Disposition of such Lands or any of them by such Commissioner as aforesaid, if made with the Consent of such Protector, shall, whether such Commissioner may have made under this Act a prior Disposition of the same Lands without the Consent of such Protector or not, or whether a prior Sale or Conveyance of the same Lands shall have been made or not, under the said Act of the Eleventh and Twelfth Years of King *George* the Third, or any Acts hereafter to be passed concerning Bankrupts, have the same Effect as such Disposition would have had if such actual Tenant in Tail, or Tenant in Tail so entitled as aforesaid, had not become bankrupt, and such Disposition had been made by him under this Act with the Consent of such Protector; and all the previous Clauses in this Act, in regard to the Consent of the Protector to the Disposition of a Tenant in Tail of Lands not held by Copy of Court Roll, and in regard to the Time and Manner of giving such Consent, and in regard to the Inrolment of the Deed of Consent, where such Deed shall be distinct from the Assurance by which the Disposition of the Commissioner shall be effected, shall, except so far as the same may be varied by the Clause next herein-after contained, apply to every Consent that may be given by virtue of this present Clause.

As to the Consent of the Protector in case of Bankruptcy.

LII. And be it further enacted, That every Deed by which any Commissioner acting in the Execution of any such Commission as aforesaid shall, under this Act, dispose of Lands, shall be void unless inrolled in His Majesty's High Court of Chancery in *Ireland* within Six Calendar Months after the Execution thereof.

As to the Inrolment of the Deed of Disposition of Lands.

LIII. And be it further enacted, That if any Commissioner acting in the Execution of any such Commission as aforesaid shall under this Act dispose of any Lands of any Tenure of which the Bankrupt shall be actual Tenant in Tail, and in consequence of there being a Pro-

Subsequent Enlargement of Base Fees created by the Dispo-

sition of the Commissioner.

a Protector of the Settlement by which the Estate of such actual Tenant in Tail was created, and of his not giving his Consent, only a Base Fee shall by such Disposition be created in such Lands; and if at any Time afterwards during the Continuance of the Base Fee there shall cease to be a Protector of such Settlement, then and in such Case, and immediately thereupon, such Base Fee shall be enlarged into the same Estate into which the same could have been enlarged under this Act if at the Time of the Disposition by such Commissioner as aforesaid there had been no such Protector.

Enlargement of Base Fees subsequent to the Sale or Conveyance of the same under the Bankrupt Acts.

LIV. And be it further enacted, That if a Tenant in Tail entitled to a Base Fee in Lands of any Tenure shall be adjudged a Bankrupt at the Time when there shall be a Protector of the Settlement by which the Estate Tail converted into the Base Fee was created, and if such Lands shall be sold or conveyed under the said Act of the Eleventh and Twefth Years of King *George* the Third, or any other Act hereafter to be passed concerning Bankrupts, and if at any Time afterwards during the Continuance of the Base Fee in such Lands there shall cease to be a Protector of such Settlement, then and in such Case, and immediately thereupon, the Base Fee in such Lands shall be enlarged into the same Estate into which the same could have been enlarged under this Act if at the Time of the Adjudication of such Bankruptcy there had been no such Protector, and the Commissioner acting in the Execution of the Commission under which the Tenant in Tail so entitled shall have been adjudged a Bankrupt had disposed of such Lands under this Act.

A voidable Estate created in favour of a Purchaser by an actual Tenant in Tail becoming bankrupt, or by a Tenant in Tail entitled to a Base Fee becoming Bankrupt, confirmed by the Disposition of the Commissioner, if no Protector, or being such with his Consent, or on there ceasing to be a Protector; but not against a Purchaser without Notice.

LV. Provided always, and be it further enacted, That where an actual Tenant in Tail of Lands of any Tenure, or a Tenant in Tail entitled to a Base Fee in Lands of any Tenure, shall have already created or shall hereafter create in such Lands, or any of them, a voidable Estate in favour of a Purchaser for valuable Consideration, and such actual Tenant in Tail, or Tenant in Tail so entitled as aforesaid, shall be adjudged a Bankrupt under any such Commission as aforesaid, and the Commissioner acting in the Execution of such Commission shall make any Disposition under this Act of the Lands in which such voidable Estate shall be created, or any of them, then and in such Case, if there shall be no Protector of the Settlement by which the Estate Tail of the actual Tenant in Tail, or the Estate Tail converted into a Base Fee, as the Case may be, was created, or being such Protector he shall consent to the Disposition by such Commissioner as aforesaid, whether such Commissioner may have made under this Act a previous Disposition of such Lands or not, or whether a prior Sale or Conveyance of the same Lands shall have been made or not under the said Act of the Eleventh and Twelfth Years of King *George* the Third, or any other Acts hereafter to be passed concerning Bankrupts, the Disposition by such Commissioner shall have the Effect of confirming such voidable Estate in the Lands thereby disposed of to its full Extent as against all Persons, except those whose Rights are saved by this Act; and if at the Time of the Disposition by such Commissioner, in the Case of an actual Tenant in Tail, there shall be a Protector, and such Protector shall not consent to the Disposition by such Commissioner, and such actual Tenant in Tail,

Tail, if he had not been adjudged a Bankrupt, would not without such Consent have been capable under this Act of confirming the voidable Estate to its full Extent, then and in such Case such Disposition shall have the Effect of confirming such voidable Estate so far as such actual Tenant in Tail, if he had not been adjudged a Bankrupt, could at the Time of such Disposition have been capable under this Act of confirming the same without such Consent; and if at any Time after the Disposition of such Lands by such Commissioner, and while only a Base Fee shall be subsisting in such Lands, there shall cease to be a Protector of such Settlement, and such Protector shall not have consented to the Disposition by such Commissioner, then and in such Case such voidable Estate, so far as the same may not have been previously confirmed, shall be confirmed to its full Extent as against all Persons except those whose Rights are saved by this Act: Provided always, that if the Disposition by any such Commissioner as aforesaid shall be made to a Purchaser for valuable Consideration, who shall not have express Notice of the voidable Estate, and if the Deed or Instrument making such voidable Estate shall not have been registered previous to such Disposition, then and in such Case the voidable Estate shall not be confirmed against such Purchaser and the Persons claiming under him.

Acts of a Bankrupt Tenant in Tail void against any Disposition under this Act by the Commissioner.

LVI. And be it further enacted, That all Acts and Deeds done and executed by a Tenant in Tail of Lands of any Tenure who shall be adjudged a Bankrupt under any such Commission as aforesaid, and which shall affect such Lands or any of them, and which, if he had been seised of or entitled to such Lands in Fee Simple absolute, would have been void against the Assignees of the Bankrupt's Estate, and all Persons claiming under them, shall be void against any Disposition which may be made of such Lands under this Act by such Commissioner as aforesaid.

Subject to the Powers given to the Commissioner, and to the Estate in the Assignees, a Bankrupt Tenant in Tail shall retain his Powers of Disposition.

LVII. Provided always, and be it further enacted, That, subject and without Prejudice to the Powers of Disposition given by this Act to the Commissioner acting in the Execution of any such Commission as aforesaid under which a Person being, or before obtaining his Certificate becoming, an actual Tenant in Tail of Lands of any Tenure, or a Tenant in Tail entitled to a Base Fee in Lands of any Tenure, shall be adjudged a Bankrupt, and also subject and without Prejudice to the Estate in such Lands which may be vested in the Assignees of the Bankrupt's Estate, and also subject and without Prejudice to the Rights of all Persons claiming under the said Assignees in respect of such Lands, or any of them, such actual Tenant in Tail, or Tenant in Tail so entitled as aforesaid, shall have the same Powers of Disposition under this Act in regard to such Lands as he would have had if he had not become bankrupt.

The Disposition by the Commissioner of the Lands of a Bankrupt Tenant in Tail shall, if the

LVIII. And be it further enacted, That any Disposition under this Act of Lands of any Tenure by any Commissioner acting in the Execution of any such Commission as aforesaid under which a Person being, or before obtaining his Certificate becoming, an actual Tenant in Tail of such Lands, or a Tenant in Tail entitled to a Base Fee in such Lands, shall be adjudged a Bankrupt, shall, although the

Bankrupt

Bankrupt be dead, have in the Cases herein mentioned the same Operation as if he were alive.

Bankrupt be dead at the Time of the Disposition, be in the following Cases as valid and effectual as the same would have been, and have the same Operation under this Act as the same would have had, if the Bankrupt were alive; (that is to say,) in case at the Time of the Bankrupt's Decease there shall be no Protector of the Settlement by which the Estate Tail of the actual Tenant in Tail, or the Estate Tail converted into a Base Fee, (as the Case may be,) was created; or in case the Bankrupt had been an actual Tenant in Tail of such Lands, and there shall at the Time of the Disposition be any Issue inheritable to the Estate Tail of the Bankrupt in such Lands, and either no Protector of the Settlement by which the Estate Tail was created, or a Protector of such Settlement who in the Manner required by this Act shall consent to the Disposition, or a Protector of such Settlement who shall not consent to the Disposition; or in case the Bankrupt had been a Tenant in Tail entitled to a Base Fee in such Lands, and there shall at the Time of the Disposition be any Issue who if the Base Fee had not been created would have been actual Tenant in Tail of such Lands, and either no Protector of the Settlement by which the Estate Tail converted into a Base Fee was created, or a Protector of such Settlement who in the Manner required by this Act shall consent to the Disposition.

Assignees to recover Rents of the Lands of a Bankrupt of which the Commissioner has Power to make Disposition and to enforce Covenants, as if entitled to the Reversion.

LIX. And be it further enacted, That the Rents and Profits of any Lands of which any Commissioner acting in the Execution of any such Commission as aforesaid hath Power to make Disposition under this Act shall, in the meantime and until such Disposition shall be made, or until it shall be ascertained that such Disposition shall not be required for the Benefit of the Creditors of the Person adjudged bankrupt under the Commission, be received by the Assignees of the Estate of the Bankrupt for the Benefit of his Creditors; and the Assignees may proceed by Action of Debt for the Recovery of such Rents and Profits, or may distrain for the same upon the Lands subject to the Payment thereof, and in case any Action of Trespass shall be brought for taking any such Distress, may plead thereto the General Issue, and give this Act or other special Matter in Evidence, and also, in case any such Distress shall be replevied, shall have Power to avow or make cognizance generally in such Manner and Form as any Landlord may now do by virtue of the Statute made in the Fifteenth Year of the Reign of His Majesty King *George* the Second, intituled *An Act for the more effectual securing the Payment of Rents, and preventing Frauds by Tenants,* or by any other Law or Statute now in force or hereafter to be made for the more effectually recovering of Rent in arrear; and such Assignees, and their Bailiffs, Agents, and Servants, shall also have all such and the same Remedies, Powers, Privileges, and Advantages of pleading, avowing, and making cognizance, and be entitled to the same Costs and Damages, and the same Remedies for the Recovery thereof, as Landlords, their Bailiffs, Agents, and Servants, are now or hereafter may be by Law entitled to have when Rent is in arrear; and such Assignees shall also have the same Power and Authority of enforcing the Observance of all Covenants, Conditions, and Agreements in respect of the Lands of which such Commissioner as aforesaid hath the Power of Disposition under this Act, and in respect of the Rents

15 G. 2. c. 8.

and Profits thereof, and of Entry into and upon the same Lands for the Non-observance of any such Covenant, Condition, and Agreement, and of expelling and amoving therefrom the Tenants or other Occupiers thereof, and of proceeding under the various Statutes passed in *Ireland* providing the Remedies of Ejectment for the Nonpayment of Rent, and thereby determining and putting an end to the Estate of the Persons who shall not have observed such Covenants, Conditions, and Agreements, as the Bankrupt would have had in case he had not been adjudged a Bankrupt: Provided always, that this Clause shall apply to Lands of any Tenure which any Commissioner acting in the Execution of any such Commission as aforesaid may have Power to dispose of under this Act after the Bankrupt's Decease.

Clause to apply to Lands of any Tenure, &c.

LX. And be it further enacted, That all the Provisions in this Act contained for the Benefit of the Creditors of Persons who under such Commissions as aforesaid shall be adjudged Bankrupts after the Thirty-first Day of *October* One thousand eight hundred and thirty-four, and for the Confirmation in consequence of Bankruptcy of voidable Estates created by them, shall extend and apply to the Lands of any Tenure in *England* of such Persons, as fully and effectually as if this Act had throughout extended to Lands of any Tenure in *England*.

All the Provisions of the Act in regard to Bankrupts shall apply to their Lands in England.

LXI. Provided always, and be it further enacted, That in all Cases of Bankruptcy every Deed of Disposition under this Act of Lands in *England* by any Commissioner acting in the Execution of any such Commission as aforesaid, and also every Deed by which the Protector of a Settlement of Lands in *England* shall consent, shall be inrolled in His Majesty's High Court of Chancery in *England* within Six Calendar Months after the Execution thereof, and not in His Majesty's High Court of Chancery in *Ireland*.

Deeds relating to the Lands of Bankrupts in England to be inrolled in the Court of Chancery there.

LXII. And be it further enacted, That after the Thirty-first Day of *October* One thousand eight hundred and thirty-four an Act passed in the Fifty-eighth Year of the Reign of His Majesty King *George* the Third, intituled *An Act for Relief of Persons entitled to Entailed Estates to be purchased with Trust Monies in that Part of the United Kingdom called* Ireland, and also an Act passed in the Seventh Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for repealing an Act passed in the Thirty-ninth and Fortieth Years of the Reign of His late Majesty King* George *the Third, intituled* '*An Act for the Relief of Persons* '*entitled to entailed Estates to be purchased with Trust Monies, and* '*for making further Provision in lieu thereof*,' shall be and the same are hereby repealed, except as to such Proceedings under the Acts hereby repealed as shall have been commenced before the First Day of *November* One thousand eight hundred and thirty-four, and which may be continued under the Authority and according to the Provisions of the Acts hereby repealed.

Repeal of the Statutes 58 G. 3. c. 46. and 7 G. 4. c. 45., except as to Proceedings commenced before 1st November 1834.

LXIII. And be it further enacted, That Lands to be sold, whether Freehold or Leasehold, or of any other Tenure, where the Money arising from the Sale thereof shall be subject to be invested in the Purchase of Lands to be settled, so that any Person, if the Lands were

The previous Clauses, with certain Variations, to apply to Lands of

any Tenure to be sold, where the Purchase Money is subject to be invested in the Purchase of Lands to be entailed, and where Money is subject to be invested in like Manner.

purchased, would have an Estate Tail therein, and also Money subject to be invested in the Purchase of Lands to be settled, so that any Person, if the Lands were purchased, would have an Estate Tail therein, shall for all the Purposes of this Act be treated as the Lands to be purchased, and be considered subject to the same Estates as the Lands to be purchased would, if purchased, have been actually subject to; and all the previous Clauses in this Act, so far as Circumstances will admit, shall in the Case of the Lands to be sold as aforesaid, being either Freehold or Leasehold, or of any other Tenure, apply to such Lands in the same Manner as if the Lands to be purchased with the Money to arise from the Sale thereof were directed to be Freehold, and were actually purchased and settled, and shall, in the Case of Money subject to be invested in the Purchase of Lands to be so settled as aforesaid, apply to such Money in the same Manner as if such Money were directed to be laid out in the Purchase of Freehold Lands, and such Lands were actually purchased and settled; save and except that in every Case where under this Clause a Disposition shall be to be made of Leasehold Lands for Years, absolute or determinable, so circumstanced as aforesaid, or of Money so circumstanced as aforesaid, such Leasehold Lands or Money shall, as to the Person in whose Favour or for whose Benefit the Disposition is to be made, be treated as Personal Estate; and except in case of Bankruptcy the Assurance by which the Disposition of such Leasehold Lands or Money shall be effected shall be an Assignment by Deed, which shall have no Operation under this Act, unless inrolled in His Majesty's High Court of Chancery within Six Calendar Months after the Execution thereof; and in every Case of Bankruptcy the Disposition of such Leasehold Lands or Money shall be made by the Commissioner, and completed by Inrolment in the same Manner as hereinbefore required in regard to Lands.

Lands of any Tenure in England to be sold, where the Purchase Money is subject to be invested in the Purchase of Lands to be entailed, and Money under the Control of a Court of Equity in England, subject to be invested in like Manner, to be subject to this Act in Cases of Bankruptcy.

LXIV. And be it further enacted, That, so far as regards any Person adjudged a Bankrupt under any such Commission as aforesaid, the Provisions of the Clause lastly herein-before contained shall, for the Benefit of the Creditors of the Bankrupt, apply to Lands in *England* to be sold, whether Freehold or Leasehold or of any other Tenure, where the Money arising from the Sale thereof shall be subject to be invested in the Purchase of Lands to be settled so that the Bankrupt, if the Lands were purchased, would have an Estate Tail therein, and also to Money under the Control of any Court of Equity in *England*, or of or to which any Individuals as Trustees may be possessed or entitled in *England*, and which shall be subject to be invested in the Purchase of Lands to be settled so that the Bankrupt, if the Lands were purchased, would have an Estate Tail therein, as fully and effectually as if this Act had throughout extended to *England*: Provided always, that every Deed to be executed by any Commissioner or Protector, in pursuance of this Clause, in regard to Lands in *England* to be so sold as aforesaid, shall be inrolled in His Majesty's High Court of Chancery in *England* within Six Calendar Months after the Execution thereof; but every Deed to be executed by any Commissioner or Protector in pursuance of this Clause, in regard to Money subject to be invested in the Purchase of Lands to be so settled as aforesaid, shall be inrolled in His Majesty's High Court of Chancery in *Ireland* within

within Six Calendar Months after the Execution thereof, and not in His Majesty's High Court of Chancery in *England*.

As to Deeds being acknowledged before Inrolment.

LXV. And be it further enacted, That any Rule or Practice requiring Deeds to be acknowledged before Inrolment shall not apply to any Deed by this Act required to be inrolled in His Majesty's High Court of Chancery in *Ireland*.

Every Deed to be inrolled, by which Lands or Money shall be disposed of under this Act, to take effect as if Inrolment not required.

LXVI. And be it further enacted, That every Deed required to be inrolled in His Majesty's High Court of Chancery in *Ireland*, by which Lands, or Money subject to be invested in the Purchase of Lands, shall be disposed of under this Act, shall, when inrolled as required by this Act, operate and take effect in the same Manner as it would have done if the Inrolment thereof had not been required, except that every such Deed shall be void against any Person claiming the Lands or Money thereby disposed of, or any Part thereof, for valuable Consideration, under any subsequent Deed duly inrolled under this Act, if such subsequent Deed shall be first inrolled.

The Court of Chancery to regulate the Fees to be paid for the Inrolment of Deeds, &c.

LXVII. And be it further enacted, That it shall be lawful for His Majesty's High Court of Chancery in *Ireland*, as to Deeds to be inrolled in *Ireland* under this Act, from Time to Time to make such Orders as the Court shall think fit touching the Amount of the Fees and Charges to be paid for the Inrolment of such Deeds, and to be paid for Searches for such Deeds in the Office of Inrolments, and to be paid for Copies of the Inrolments of Deeds under this Act, where such Copies are examined with the Inrolments, and signed by the proper Officer having the Custody of such Inrolments.

A married Woman, with her Husband's Concurrence, to dispose of Lands, and Money subject to be invested in the Purchase of Lands, and of any Estate therein, and to release and extinguish Powers, as a Feme Sole.

LXVIII. And be it further enacted, That after the Thirty-first Day of *October* One thousand eight hundred and thirty-four it shall be lawful for every married Woman, in every Case except that of being Tenant in Tail, for which Provision is already made by this Act, by Deed to dispose of Lands of any Tenure, and Money subject to be invested in the Purchase of Lands, and also to dispose of, disclaim, release, surrender, or extinguish any Estate which she alone, or she and her Husband in her Right, may have in any Lands of any Tenure, or in any such Money as aforesaid, and also to release or extinguish any Power which may be vested in or limited or reserved to her in regard to any Lands of any Tenure, or any such Money as aforesaid, or in regard to any Estate in any Lands of any Tenure, or in any such Money as aforesaid, as fully and effectually as she could do if she were a Feme Sole; save and except that no such Disposition, Release, Surrender, or Extinguishment shall be valid and effectual unless the Husband concur in the Deed by which the same shall be effected, nor unless the Deed be acknowledged by her as herein-after directed.

The Powers of Disposition given to a married Woman by this Act not to interfere

LXIX. Provided always, and be it further enacted, That the Powers of Disposition given to a married Woman by this Act shall not interfere with any Power which, independently of this Act, may be vested in or limited or reserved to her, so as to prevent her from exercising such Power in any Case, except so far as by any Disposition made by

with any other Powers.

by her under this Act she may be prevented from so doing in consequence of such Power having been suspended or extinguished by such Disposition; but such Powers of Disposition shall not enable a married Woman to dispose of Lands, or any Estate therein, where the Settlement or other Instrument under which she may be entitled to the same shall contain a valid Restriction against the Anticipation thereof by such married Woman.

Every Deed by a married Woman, not executed by her as Protector, to be acknowledged by her before a Judge, &c.

LXX. And be it further enacted, That every Deed to be executed by a married Woman for any of the Purposes of this Act, except such as may be executed by her in the Character of Protector for the sole Purpose of giving her Consent to the Disposition of a Tenant in Tail, shall, upon her executing the same, or afterwards, be produced and acknowledged by her as her Act and Deed before a Judge of one of the Superior Courts at *Dublin*, or a Master in Chancery, or before Two of the perpetual Commissioners, or Two special Commissioners, to be respectively appointed as herein-after provided.

The Judge, &c. before receiving such Acknowledgment, to examine her apart from her Husband.

LXXI. And be it further enacted, That such Judge, Master in Chancery, or Commissioners as aforesaid, before he or they shall receive the Acknowledgment by any married Woman of any Deed by which any Disposition, Release, Surrender, or Extinguishment shall be made by her under this Act, shall examine her apart from her Husband touching her Knowledge of such Deed, and shall ascertain whether she freely and voluntarily consents to such Deed, and unless she freely and voluntarily consents to such Deed shall not permit her to acknowledge the same; and in such Case such Deed shall, so far as relates to the Execution thereof by such married Woman, be void.

As to the Appointment of perpetual Commissioners for each County or Place, and the making out and keeping of the Lists of the Commissioners, and the Delivery of Copies.

LXXII. And be it further enacted, That for the Purpose of providing convenient Means of taking Acknowledgments by married Women of the Deeds to be executed by them as aforesaid, the Lord Chief Justice of the Court of Common Pleas in *Dublin* shall from Time to Time appoint such proper Person as he shall think fit, for every County, Riding, Division, or Place for which there may be a Clerk of the Peace, to be perpetual Commissioners for taking such Acknowledgments, and such Commissioners shall be removable by and at the Pleasure of the said Lord Chief Justice; and Lists of the Names of such Commissioners for the Time being, with the Names of their Places of Residence, and the Counties, Ridings, Divisions, or Places for which they shall be respectively appointed to act, shall from Time to Time be made out and be kept by the Officer of the Court of Common Pleas in *Dublin*, with whom the Certificates of the Acknowledgments by married Women are to be lodged as herein-after mentioned; and such Officer shall from Time to Time transmit, without Fee or Reward, to the Clerk of the Peace for each County, Riding, Division, or Place, or his Deputy, a Copy of the List to be so from Time to Time made out for that County, Riding, Division, or Place; and such Officer shall deliver a Copy, signed by him, of the List for the Time being for any County, Riding, Division, or Place, to any Person applying for the same; and the Clerk of the Peace for each County, Riding, Division, or Place, or

his Deputy, shall deliver a Copy, signed by him, of the List last transmitted to him as aforesaid, to any Person applying for the same.

Power of perpetual Commissioners not confined to any particular Place.

LXXIII. Provided always, and be it further enacted, That any Person appointed Commissioner for any particular County, Riding, Division, or Place shall be competent to take the Acknowledgment of any married Woman wheresoever she may reside, and wheresoever the Lands or Money in respect of which the Acknowledgment is to be taken may be.

If, from being beyond Seas, &c. a married Woman be prevented from making the Acknowledgment, special Commissioners to be appointed.

LXXIV. And be it further enacted, That in those Cases where, by reason of Residence beyond Seas, or ill Health, or any other sufficient Cause, any married Woman shall be prevented from making the Acknowledgment required by this Act before a Judge or a Master in Chancery, or any of the perpetual Commissioners to be appointed as aforesaid, it shall be lawful for the Court of Common Pleas in *Dublin*, or any Judge of that Court, to issue a Commission specially appointing any Persons therein named to be Commissioners to take the Acknowledgment by any married Woman to be therein named of any such Deed as aforesaid: Provided always, that every such Commission shall be made returnable within such Time, to be therein expressed, as the said Court or Judge shall think fit.

When a married Woman shall acknowledge a Deed, the Person taking the Acknowledgment to sign a Memorandum to the Effect here mentioned;

LXXV. And be it further enacted, That when a married Woman shall acknowledge any such Deed as aforesaid, the Judge, Master in Chancery, or Commissioners taking such Acknowledgment shall sign a Memorandum, to be indorsed on or written at the Foot or in the Margin of such Deed; which Memorandum, subject to any Alteration which may from Time to Time be directed by the Court of Common Pleas, shall be to the following Effect; *videlicet*,

'THIS Deed, marked [*here add some Letter or other Mark, for the Purpose of Identification*], was this Day produced before me [*or* us], and acknowledged by therein named to be her Act and Deed; previous to which Acknowledgment the said was examined by me [*or* us] separately and apart from her Husband, touching her Knowledge of the Contents of the said Deed, and her Consent thereto, and declared the same to be freely and voluntarily executed by her.'

and also sign a Certificate of the taking of such Acknowledgment, to the Effect here mentioned.

And the same Judge, Master in Chancery, or Commissioner shall also sign a Certificate of the taking of such Acknowledgment, to be written or engrossed on a separate Piece of Parchment; which Certificate, subject to any Alteration which may from Time to Time be directed by the Court of Common Pleas, shall be to the following Effect; *videlicet*,

'THESE are to certify, That on the Day of in the Year One thousand eight hundred and before me, the undersigned Lord Chief Justice of the Court of Common Pleas in *Dublin*, [*or* before me One of the Justices of the Court of King's Bench in *Dublin*, *or* before me the undersigned One of the Masters in Ordinary of the Court of Chancery, *or*

'before us, *A. B.* and *C. D.* Two
'of the perpetual Commissioners appointed for the
'for taking the Acknowledgments of Deeds by married Women, pur-
'suant to an Act passed in the • Year of the Reign
'of His Majesty King *William* the Fourth, intituled *An Act* [*insert*
'*the Title of this Act*], *or* before us, the undersigned *A. B.*
'and *C. D.* Two of the Commissioners specially
'appointed pursuant to an Act passed in the Year
'of the Reign of His Majesty King *William* the Fourth, intituled *An*
'*Act* [*insert the Title of this Act*], for taking the Acknowledgment of
'any Deed by the Wife of]
'appeared personally the Wife of
'and produced a certain Indenture, marked [*here add the Mark*],
'bearing Date the Day of and made
'between [*insert the Names of the Parties*], and acknowledged the
'same to be her Act and Deed; and I [*or* we] do hereby certify
'that the said was at the Time of her acknowledging
'the said Deed of full Age and competent Understanding, and that
'she was examined by me [*or* us] apart from her Husband touching
'her Knowledge of the Contents of the said Deed, and that she freely
'and voluntarily consented to the same.'

Certificate, with Affidavit verifying the same, to be lodged with some Officer of the Court of Common Pleas, who shall cause the same to be filed of Record in the Court.

LXXVI. And be it further enacted, That every such Certificate as aforesaid of the taking of an Acknowledgment by a married Woman of any such Deed as aforesaid, together with an Affidavit by some Person verifying the same and the Signature thereof by the Party by whom the same shall purport to be signed, shall be lodged with some Officer of the Court of Common Pleas in *Dublin* to be appointed as herein-after mentioned; and such Officer shall examine the Certificate, and see that it is duly signed, either by some Judge or Master in Chancery, or by Two Commissioners appointed pursuant to this Act, and duly verified by Affidavit as aforesaid, and shall also see that it contains such Statement of Particulars as to the Consent of the married Woman as shall from Time to Time be required in that Behalf; and if all the Requisites in this Act in regard to the Certificate shall have been complied with, then such Officer shall cause the said Certificate and the Affidavit to be filed of Record in the said Court of Common Pleas.

On filing Certificate, the Deed, by relation, to take effect from Time of Acknowledgment.

LXXVII. And be it further enacted, That when the Certificate of the Acknowledgement of a Deed by a married Woman shall be so filed of Record as aforesaid, the Deed so acknowledged shall, so far as regards the Disposition, Release, Surrender, or Extinguishment thereby made by any married Woman whose Acknowledgment shall be so certified concerning any Lands or Money comprised in such Deed, take effect from the Time of its being acknowledged, and the subsequent filing of such Certificate as aforesaid shall have relation to such Acknowledgment.

The Officer with whom the Certificates are lodged to

LXXVIII. And be it further enacted, That the Officer of the Court of Common Pleas with whom such Certificates as aforesaid shall be lodged shall make and keep an Index of the same, and such Index shall contain the Names of the married Women and their Husbands

Husbands alphabetically arranged, and the Dates of such Certificates and of the Deeds to which the same shall respectively relate, and such other Particulars as shall be found convenient; and every such Certificate shall be entered in the Index as soon as may be after such Certificate shall have been filed.

make an Index of the same.

LXXIX. And be it further enacted, That after the filing of any such Certificate as aforesaid the Officer with whom the Certificate shall be lodged shall at any Time deliver a Copy, signed by him, of any such Certificate, to any Person applying for such Copy; and every such Copy shall be received as Evidence of the Acknowledgment of the Deed to which such Certificate shall refer.

Officer to deliver a Copy of Certificate filed, which shall be Evidence.

LXXX. And be it further enacted, That the Lord Chief Justice of the Court of Common Pleas in *Dublin* shall from Time to Time appoint the Person who shall be the Officer with whom such Certificates as aforesaid shall for the Time being be lodged, and may remove him at pleasure; and the Court of Common Pleas in *Dublin* shall also from Time to Time make such Orders and Regulations as the Court shall think fit, touching the Mode of Examination to be pursued by the Commissioners to be appointed under this Act, and touching the particular Matters to be mentioned in such Memorandum and Certificates as aforesaid, and the Affidavits verifying the Certificates, and the Time within which any of the aforesaid Proceedings shall take place, and touching the Amount of the Fees or Charges to be paid for the Copies to be delivered by the Clerks of the Peace or their Deputies, or by the Officer of the said Court, as hereinbefore directed, and also of the Fees or Charges to be paid for taking Acknowledgments of Deeds, and for examining married Women, and for the Proceedings, Matters, and Things required by this Act to be had, done, and executed for completing and giving Effect to such Acknowledgments and Examinations.

Chief Justice of Common Pleas to appoint the Officer with whom the Certificates shall be lodged; and the Court to make Orders touching the Examination Memorandums, Certificates, Affidavits, &c.

LXXXI. Provided always, and be it further enacted, That if a Husband shall, in consequence of being a Lunatic, Idiot, or of unsound Mind, and whether he shall have been found such by Inquisition or not, shall from any other Cause be incapable of executing a Deed, or if his Residence shall not be known, or he shall be in Prison, or shall be living apart from his Wife, either by mutual Consent or by Sentence of Divorce, or in consequence of his being transported beyond the Seas, or from any other Cause whatsoever, it shall be lawful for the Court of Common Pleas in *Dublin*, by an Order to be made in a summary Way upon the Application of the Wife, and upon such Evidence as to the said Court shall seem meet, to dispense with the Concurrence of the Husband in any Case in which his Concurrence is required by this Act or otherwise; and all Acts or Deeds to be done, executed, or made by the Wife in pursuance of such Order, in regard to Lands of any Tenure, or in regard to Money subject to be invested in the Purchase of Lands, shall be done, executed, or made by her in the same Manner as if she were a Feme Sole, and when done, executed, or made by her shall (but without Prejudice to the Rights of the Husband as then existing independently of this Act) be as good and valid as they would have been if the Husband had concurred:

Court of Common Pleas, in the Case of a Husband being lunatic, &c., may dispense with his Concurrence, except where the Lord Chancellor or other Persons intrusted with Lunatics, or the Court of Chancery, shall be the Protector of a Settlement in lieu of the Husband.

curred: Provided always, that this Clause shall not extend to the Case of a married Woman where under this Act the Lord High Chancellor, Lord Keeper or Lords Commissioners for the Custody of the Great Seal, or other the Person or Persons intrusted with the Care and Commitment of the Custody of the Persons and Estates of Persons found lunatic, idiot, and of unsound Mind, or His Majesty's High Court of Chancery, shall be the Protector of a Settlement in lieu of her Husband.

Act may be altered this Session.

LXXXII. And be it further enacted, That this Act or any Part thereof may be altered, varied, or repealed by any Act or Acts to be passed in the present Session of Parliament.

LONDON: Printed by GEORGE EYRE and ANDREW SPOTTISWOODE, Printers to the King's most Excellent Majesty. 1834.

ANNO QUARTO & QUINTO

GULIELMI IV. REGIS.

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ANNO QUARTO & QUINTO

GULIELMI IV. REGIS.

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CAP. XCIV.

An Act to enable His Majesty to invest trading and other Companies with the Powers necessary for the due Conduct of their Affairs, and for the Security of the Rights and Interests of their Creditors. [15th *August* 1834.]

WHEREAS by an Act passed in the Sixth Year of His late Majesty King *George* the Fourth, intituled *An Act to repeal so much of an Act passed in the Sixth Year of His late Majesty King* George *the First as relates to the restraining several extravagant and unwarrantable Practices in the said Act mentioned, and for conferring additional Powers upon His Majesty with respect to the granting of Charters of Incorporation to trading and other Companies*, it is amongst other Things enacted, that in any Charter hereafter to be granted by His Majesty, His Heirs or Successors, for the Incorporation of any Company or Body of Persons, it shall and may be lawful in and by such Charter to declare and provide that the Members of such Corporation shall be individually liable in their Persons and Property for the Debts, Contracts, and Engagements of such Corporation, to such Extent, and subject to such Regulations and Restrictions, as His Majesty, His Heirs or Successors, may deem fit and proper, and as shall be declared and limited in and by such Charter, and the Members of such Corporation shall thereby be rendered so liable accordingly: And whereas divers Companies and Bodies of Persons do and may from Time to Time associate themselves together for trading, 6 G. 4. c. 91.

 charitable

charitable, literary, or other Purposes, which Associations it would be inexpedient to incorporate by Royal Charters, granted either according to the Rules of the Common Law, or in pursuance of the said recited Act, although it would be expedient to confer upon such Associations, or some of them, some of the Privileges of and incident to Corporations created by Royal Charters, and especially the Privilege of maintaining and defending Suits, Actions, Prosecutions, or other legal Proceedings, in the Name or Names of some One or more of the principal Officers for the Time being of such Associations respectively: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall and may be lawful for His Majesty, His Heirs and Successors, by Letters Patent to be from Time to Time for that Purpose issued under the Great Seal of the United Kingdom of *Great Britain* and *Ireland*, or in *Scotland* under the Seal appointed by the Articles of Union to be used, and instead of the Great Seal thereof, to grant to any Company or Body of Persons associated together for any trading, charitable, literary, or other Purposes, and to the Heirs, Executors, Administrators, and Assigns of any such Persons, although not incorporated by such Letters Patent, any Privilege or Privileges which, according to the Rules of the Common Law, or in pursuance of the said recited Act, it would be competent to His Majesty, His Heirs and Successors, to grant to any such Company or Body of Persons in and by any Charter of Incorporation, and especially the before-mentioned Privilege of maintaining and defending Actions, Suits, Prosecutions, and other Proceedings, both at Law and in Equity, in the Name or Names of any One or more of the principal Officers for the Time being of any such Associations respectively, which Privileges shall be granted in and by such Letters Patent, in such Manner and Form, and upon such Conditions for the Prevention of Abuses in the Management of the Affairs of any such Associations, and for the Security of the Rights and Interests of their Creditors, and for the Protection of the Public at large, as His Majesty, His Heirs and Successors, shall by any such Letters Patent as aforesaid see fit from Time to Time to prescribe and impose; and any Letters Patent which shall be so granted and issued as aforesaid shall, to the Extent of the Privileges thereby granted, and subject to the Conditions to be thereby imposed, be as valid and effectual in the Law as if such Privileges were granted and such Conditions were imposed by any Act passed for granting and imposing the same: Provided always, that in all Cases where such Letters Patent shall be granted to any such Company or Body of Persons, it shall and may be lawful, in all Suits or Proceedings in Equity commenced or instituted against the principal Officer or Officers of such Company or Body of Persons, to join, for the Purpose of Discovery, in such Suits or Proceedings, any Member or Members of such Company as the nominal Defendant or Defendants for or on behalf of such Company or Body of Persons, subject to the Payment by the Plaintiffs of such Costs as the Court in which such Proceedings may be had shall in that Behalf order or direct: Provided always, that nothing in this Act contained shall enable His Majesty to grant to any Company or Body of Persons any Privilege under

His Majesty empowered, by Letters Patent, to grant to trading Companies not incorporated certain Privileges for Protection of themselves and of the Public.

Name of any Member may be joined with principal Officer in Suits in Equity.

No Privilege to be granted until after

under this Act until after Notice in the *Gazette* shall have been given Three Months that it is intended to grant such Privilege or Privileges.

Three Months Notice in Gazette.

II. And to the end that the issuing of such Letters Patent, and the Name or Names of the principal Officer or Officers for the Time being of the several Associations thereby constituted, may be made known to the Public, be it enacted, That an Entry of the Grant of such Letters Patent, and of the Name or Names of the principal Officer or Officers therein designated, or who may from Time to Time be appointed by virtue of the Powers for that Purpose contained in such Letters Patent, shall be made in a Book to be kept for that Purpose in the Office of the Clerk of the Patents, and that the same shall be open for Inspection at all reasonable Times, by any Person requiring the same, on Payment of a Fee of One Shilling only; and further, that a sufficient Notice or Memorandum of such Letters Patent, together with the Name or Names of such principal Officer or Officers, be advertised in the *London Gazette* within One Calendar Month from the Date of such Letters Patent, and also in some One Newspaper published or circulating in the County or Place where the Meetings of any such Association shall be usually held; and also, that upon the Death, or Change from any other Cause whatever, of any such principal Officer or Officers, Notice thereof, and of the Name or Names of the Person or Persons succeeding him or them, shall in like Manner be recorded in the Office of the Clerk of the Patents, and advertized in the *London Gazette* and in some One Newspaper as aforesaid; and the Officer or Officers so from Time to Time recorded and advertized shall, for all Intents and Purposes, be held and considered as the Party or Parties entitled to sue and to be sued on behalf of his or their respective Associations, within the Meaning of this Act, and of any Patent or Patents to be from Time to Time granted by virtue thereof.

Entry of Grant of Letters Patent to be made in the Office of Clerk of the Patents, and a Memorandum thereof published in the London Gazette and in One Newspaper in the Neighbourhood of the Association.

III. And be it enacted, That any Decree, Judgment, Order, or Interlocutor made or pronounced in any Action, Suit, or Proceeding in any Court of Law or Equity against any Officer of any such Company, Body, or Association named as aforesaid, shall have the like Effect and Operation upon and against the Property, Funds, and Effects of such Company, Body, or Association, and upon and against the Persons and Property of every and any Member thereof, as if such Company, Body, or Association, and such Member or Members thereof, had been a Party or Parties to such Action, Suit, or Proceeding, and as if such Decree, Judgment, Order, or Interlocutor had been pronounced against such Company, Body, or Association, or against every or any such Member or Members thereof; provided that no Diligence or Execution shall pass or be issued thereon without Leave first granted in open Court by the Court in which such Decree, Judgment, Order, or Interlocutor was made or pronounced, and which Motion shall be made on Notice to the Person or Persons sought to be charged, nor after the Expiration of Three Years next after such Person or Persons shall have ceased to be a Member of such Company, Body, or Association.

Decrees, Judgments, &c. given against said Company to extend to the Property of such Company and to the Person and Effects of every Member thereof.

IV. And

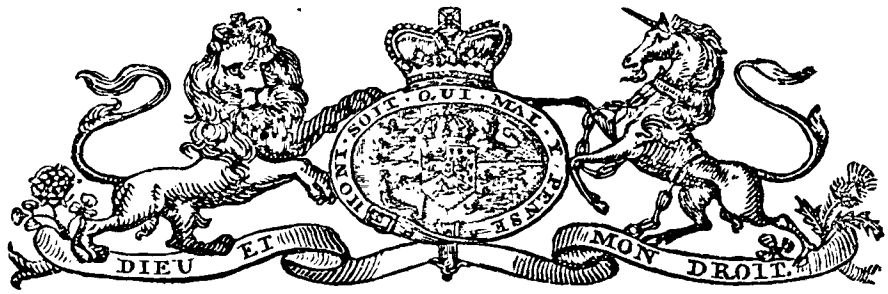
List of Members Names, with their Places of Abode, to be filed with Clerk of Patents, and be open for Inspection.

IV. Provided always, and be it enacted, That the principal Officer or Officers for the Time being of such Company or Body of Persons to whom such Letters Patent shall be granted shall, in the first Week of the Month of *June* and in the first Week of the Month of *December* in each Year during the Continuance of such Letters Patent, cause a true List of the Names of all the then existing Members of such Company or Body of Persons, with their respective Places of Abode and Description, to be filed with the Clerk of the Patents, and that the same shall be open for Inspection at all reasonable Times by any Person requiring the same.

Saving Privileges of existing Companies.

V. Provided always, and be it further enacted, That nothing in this Act contained shall authorize or be construed to authorize the Grant to any Company or Body of Persons of any Privilege in derogation of any exclusive Privileges now enjoyed by any Company or Corporation under any Act or Acts of Parliament.

LONDON: Printed by GEORGE EYRE and ANDREW SPOTTISWOODE, Printers to the King's most Excellent Majesty. 1834.



ANNO QUARTO & QUINTO

GULIELMI IV. REGIS.

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CAP. XCV.

An Act to empower His Majesty to erect *South Australia* into a *British* Province or Provinces, and to provide for the Colonization and Government thereof. [15th *August* 1834.]

WHEREAS that Part of *Australia* which lies between the Meridians of the One hundred and thirty-second and One hundred and forty-first Degrees of East Longitude, and between the Southern Ocean and Twenty-six Degrees of South Latitude, together with the Islands adjacent thereto, consists of waste and unoccupied Lands which are supposed to be fit for the Purposes of Colonization: And whereas divers of His Majesty's Subjects possessing amongst them considerable Property are desirous to embark for the said Part of *Australia*: And whereas it is highly expedient that His Majesty's said Subjects should be enabled to carry their said laudable Purpose into effect: And whereas the said Persons are desirous that in the said intended Colony an uniform System in the Mode of disposing of Waste Lands should be permanently established: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall and may be lawful for His Majesty, with the Advice of His Privy Council, to erect within that Part of *Australia* which lies between the Meridians of the One hundred and thirty-second and One hundred and forty-first Degrees of East Longitude, and between the Southern Ocean and the Twenty-six Degrees of South Latitude, together with all and every the Islands adjacent thereto, and the Bays and Gulfs thereof, with the Advice of His Privy Council, to establish One or more Provinces and to fix the respective Boundaries of such Provinces; and that all and every

His Majesty may establish One or more Provinces in that Part of Australia herein described.

Person who shall at any Time hereafter inhabit or reside within His Majesty's said Province or Provinces shall be free, and shall not be subject to or bound by any Laws, Orders, Statutes, or Constitutions which have been heretofore made, or which hereafter shall be made, ordered, or enacted by, for, or as the Laws, Orders, Statutes, or Constitutions of any other Part of *Australia*, but shall be subject to and bound to obey such Laws, Orders, Statutes, and Constitutions as shall from Time to Time, in the Manner herein-after directed, be made, ordered, and enacted for the Government of His Majesty's Province or Provinces of *South Australia*.

His Majesty may empower Persons resident in the Colony to make Laws.

II. And be it further enacted, That it shall and may be lawful for His Majesty, His Heirs and Successors, by any Order or Orders to be by Him or Them made with the Advice of His or Their Privy Council, to make, ordain, and, subject to such Conditions and Restrictions as to Him and Them shall seem meet, to authorize and empower any One or more Persons resident and being within any One of the said Provinces to make, ordain, and establish all such Laws, Institutions, or Ordinances, and to constitute such Courts, and appoint such Officers, and also such Chaplains and Clergymen of the Established Church of *England* or *Scotland*, and to impose and levy such Rates, Duties, and Taxes, as may be necessary for the Peace, Order, and good Government of His Majesty's Subjects and others within the said Province or Provinces; provided that all such Orders, and all Laws and Ordinances so to be made as aforesaid, shall be laid before the King in Council as soon as conveniently may be after the making and enacting thereof respectively, and that the same shall not in anywise be contrary or repugnant to any of the Provisions of this Act.

Such Laws to be laid before the King in Council.

Commissioners may be appointed to carry this Act into execution.

III. And be it further enacted, That it shall be lawful for His Majesty, His Heirs and Successors, by Warrant under the Sign Manual, to be countersigned by His Majesty's Principal Secretary of State for the Colonies, to appoint Three or more fit Persons to be Commissioners to carry certain Parts of this Act, and the Powers and Authorities herein-after contained, into execution, and also from Time to Time at Pleasure to remove any of the Commissioners for the Time being, and upon every or any Vacancy in the said Number of Commissioners, either by Removal or by Death or otherwise, to appoint some other fit Persons to the said Office; and until such Appointment, it shall be lawful for the surviving or continuing Commissioners or Commissioner to act as if no such Vacancy had occurred.

Style of Board of Commissioners.

IV. And be it further enacted, That the said Commissioners shall be styled "The Colonization Commissioners for *South Australia*"; and the said Commissioners or any Two of them may sit from Time to Time, as they deem expedient, as a Board of Commissioners for carrying certain Parts of this Act into execution.

All Proceedings to be sealed.

V. And be it further enacted, That the said Commissioners shall cause to be made a Seal of the said Board, and shall cause to be sealed or stamped therewith all Rules, Orders, and Regulations made by the said Commissioners in pursuance of this Act; and all such Rules, Orders, and Regulations, or Copies thereof, purporting to be sealed or stamped with the Seal of the said Board, shall be received as

Evidence of the same respectively without any further Proof thereof; and no such Rule, Order, or Regulation, or Copy thereof, shall be valid, or have any Force or Effect, unless the same shall be so sealed or stamped as aforesaid.

Commissioners to make Orders for the Sale of Land.

VI. And be it further enacted, That the said Commissioners shall and they are hereby empowered to declare all the Lands of the said Province or Provinces (excepting only Portions which may be reserved for Roads and Footpaths) to be Public Lands, open to Purchase by *British* Subjects, and to make such Orders and Regulations for the surveying and Sale of such Public Lands at such Price as the said Commissioners may from Time to Time deem expedient, and for the letting of the Common of Pasturage of unsold Portions thereof as to the said Commissioners may seem meet, for any Period not exceeding Three Years; and from Time to Time to alter and revoke such Orders and Regulations, and to employ the Monies from Time to Time received as the Purchase Money of such Lands, or as Rent of the Common of Pasturage of unsold Portions thereof, in conducting the Emigration of poor Persons from *Great Britain* or *Ireland* to the said Province or Provinces: Provided always, that no Part of the said Public Lands shall be sold except in public for ready Money, and either by Auction or otherwise as may seem best to the said Commissioners, but in no Case and at no Time for a lower Price than the Sum of Twelve Shillings Sterling *per English* Acre: Provided also, that the Sum *per* Acre which the said Commissioners may declare during any Period to be the upset or selling Price at which Public Lands shall be sold shall be an uniform Price; (that is to say,) the same Price *per* Acre whatever the Quantity or Situation of the Land put up for Sale: Provided also, that the whole of the Funds from Time to Time received as the Purchase Money of the said Lands, or as the Rent of the Common of Pasturage of unsold Portions thereof, shall constitute an "Emigration Fund," and shall, without any Deduction whatsoever, except in the Case herein-after provided for, be employed in conveying poor Emigrants from *Great Britain* or *Ireland* to the said Province or Provinces: Provided also, that the poor Persons who shall by means of the said "Emigration Fund" be conveyed to the said Province or Provinces shall, as far as possible, be adult Persons of the Two Sexes in equal Proportions, and not exceeding the Age of Thirty Years.

Funds received as Purchase Money to form a Fund for conveying poor Emigrants to the Province.

No poor Person to be allowed a Passage from Fund unless Family also conveyed.

VII. And be it further enacted, That no poor Person having a Husband or Wife (as the Case may be), or a Child or Children, shall, by means of the said "Emigration Fund," obtain a Passage to the said Province or Provinces, unless the Husband or Wife (as the Case may be), or the Child or Children of such poor Person, shall also be conveyed to the said Province or Provinces.

A Resident Commissioner to be appointed.

VIII. And be it further enacted, That it shall be lawful for His Majesty, His Heirs and Successors, by Warrant under the Sign Manual, to be countersigned by His Majesty's Principal Secretary of State for the Colonies, to appoint a Commissioner of Public Lands to be resident in the said Colony, and to act under the Orders of the said Board of Commissioners as herein-after directed.

IX. And

Treasurer and other Officers may be appointed and removed.

IX. And be it further enacted, That the said Commissioners shall and they are hereby empowered to appoint such Person or Persons as they may think fit Treasurer, Assistant Surveyors, and other Officers, for carrying this Act into execution respecting the Disposal of the said Public Lands and the Purchase Money thereof, and to remove such Treasurer or Assistant Surveyors or other Officers at their Discretion, and on every or any Vacancy in the said Office of Treasurer, Assistant Surveyor, or other Officer, by Removal or by Death or otherwise, to appoint, if they see fit, some other Person to the said Office.

Powers may be delegated to Colonial Commissioner.

X. And be it further enacted, That it shall and may be lawful for the said Commissioners to delegate to the said Colonial Commissioner, Assistant Surveyor, or other Officer, or to any of them, such of the Powers and Authorities with respect to the Disposal of the Public Lands of the said Province or Provinces as the said Commissioners shall think fit; and the Powers and Authorities so delegated, and the Delegation thereof, shall be notified in such Manner, and such Powers and Authorities shall be exercised at such Places, for such Periods and under such Circumstances, and subject to such Regulations, as the said Commissioners shall direct; and the said Commissioners may at any Time revoke, recall, alter, or vary all or any of the Powers and Authorities which shall be so delegated as aforesaid.

Treasurers to receive and pay all Monies, and to give Security.

XI. And be it further enacted, That all Monies under the Controul of the said Board of Commissioners shall be received and paid by the Treasurers who may be appointed by the said Board, and who shall give Security for the faithful Discharge of their Duties to such Amount and in such Manner as to the said Commissioners may seem fit.

Accounts to be audited.

XII. And be it further enacted, That all Accounts of the said Treasurer shall be submitted to the Lords of His Majesty's Treasury, and be audited in the same Manner as other Public Accounts.

Appointment of Officers.

XIII. And be it further enacted, That the said Commissioners may and they are hereby empowered from Time to Time to appoint a Secretary, Treasurer, and all such Clerks, Messengers, and Officers as they shall think fit, and from Time to Time, at the Discretion of the said Commissioners, to remove such Secretary, Treasurer, Clerks, Messengers, and Officers, or any of them, and to appoint others in their Stead.

Commissioners to take Oath.

XIV. And be it further enacted, That every Commissioner and Colonial Commissioner to be appointed from Time to Time shall, before he shall enter upon the Execution of his Office, take the following Oath before one of the Judges of His Majesty's Court of Common Pleas, or one of the Barons of the Court of Exchequer, or (in the Case of such Colonial Commissioners) before the Judge of one of His Majesty's Courts in the said Province or Provinces; (that is to say,)

'I *A. B.* do swear, That I shall faithfully, impartially, and honestly, according to the best of my Skill and Judgment, execute and fulfil all the Powers and Duties of a Commissioner [*or* Colonial Commissioner, *as the Case may be,*] under an Act passed in the Fifth Year of the Reign of King *William* the Fourth, intituled [*here set forth the Title of this Act*].'

XV. Pro-

Salaries to be fixed by Lords of Treasury.

XV. Provided always, and be it further enacted, That the Salaries to be paid to all such Persons as may be appointed to any Office under this Act shall be fixed by the Lords of His Majesty's Treasury, and by them shall be revised from Time to Time as they may deem expedient.

Proceedings of Commissioners to be reported to Secretary of State, and laid before Parliament.

XVI. And be it further enacted, That the said Commissioners shall, at least once in every Year, and at such other Times and in such Form as His Majesty's Principal Secretary of State for the Colonies shall direct, submit to the said Secretary of State a full and particular Report of their Proceedings; and every such Report shall be laid before both Houses of Parliament within Six Weeks after the Receipt of the same by the said Secretary of State, if Parliament be then sitting, or if Parliament be not sitting, then within Six Weeks after the next Meeting thereof.

Until Sale of Lands, Money to be raised by Bond for conveying out poor Emigrants.

XVII. And be it further enacted, That it shall and may be lawful for the said Commissioners, previously and until the Sale of Public Lands in the said Province shall have produced a Fund sufficient to defray the Cost of conveying to the said Province or Provinces from Time to Time such a Number of poor Emigrants as may by the said Commissioners be thought desirable, from Time to Time to borrow and take up on Bond or otherwise, payable by Instalments or otherwise, at Interest not exceeding Ten Pounds *per Centum per Annum*, any Sum or Sums of Money not exceeding Fifty thousand Pounds, for the sole Purpose of defraying the Costs of the Passage of poor Emigrants from *Great Britain* or *Ireland* to the said Province or Provinces, by granting and issuing to any Person or Persons willing to advance such Monies Bonds or obligatory Writings under the Hands and Seals of the said Commissioners or of any Two of them, which Bonds or other obligatory Writings shall be termed "*South Australia* Public Lands Securities;" and all such Sum or Sums of Money not exceeding in the whole Fifty thousand Pounds so borrowed or taken up by means of the Bonds or Writings obligatory aforesaid, for the sole Purpose aforesaid, shall be borrowed on the Credit of and be deemed a Charge upon the whole of the Fund to be received as the Purchase Money of Public Lands, or as the Rent of the Common of Pasturage of unsold Portions thereof; and it shall and may be lawful for the said Commissioners from Time to Time to appropriate all or any Part of the Monies which may be obtained by the Sale of Public Lands in the said Province or Provinces to the Payment of Interest on any such Sum or Sums borrowed and taken up as aforesaid, or to the Repayment of such Principal Sum or Sums.

Power to borrow Money to pay Expences of Colony.

XVIII. And be it further enacted, That for defraying the necessary Costs, Charges, and Expences of founding the said intended Colony, and of providing for the Government thereof, and for the Expences of the said Commissioners (excepting always the Purpose whereunto the said Emigration Fund is made solely applicable by this Act), and for defraying all Costs, Charges, and Expences incurred in carrying this Act into execution, and applying for and obtaining this Act, it shall and may be lawful for the said Commissioners from Time to Time to borrow and take up on Bond or otherwise, payable by Instalments or otherwise, at Interest not exceeding Ten Pounds *per Centum per Annum*, any Sum or Sums of Money required for the

Purposes last aforesaid, not exceeding in the whole the Sum of Two hundred thousand Pounds, by granting or issuing to any Person or Persons willing to advance such Monies Bonds or obligatory Writings under the Hands and Seals of the said Commissioners or any Two of them, which Bonds or other obligatory Writings shall be termed "*South Australia* Colonial Revenue Securities;" and all such Sum or Sums of Money by the said Commissioners so borrowed and taken up as last aforesaid shall be and is and are hereby declared to be a Charge upon the ordinary Revenue or Produce of all Rates, Duties, and Taxes to be levied and collected as herein-before directed within the said Province or Provinces, and shall be deemed and taken to be a Public Debt owing by the said Province to the Holders of the Bond or Bonds or other Writings obligatory by the said Commissioners granted for the Purposes last aforesaid.

Commissioners may reduce Rate of Interest.

XIX. And be it further enacted, That it shall and may be lawful for the said Commissioners at any Time to borrow or take up any Sum or Sums of Money for any of the Purposes of this Act at a lower Rate of Interest than any Security or Securities previously given by them under and by virtue of this Act which may then be in force shall bear, and therewith to pay off and discharge any existing Security or Securities bearing a higher Rate of Interest as aforesaid.

Lands of Colony to be deemed a collateral Security.

XX. And be it further enacted, That in case it should so happen that the said Commissioners shall be unable to raise by the Issue of the said Colonial Revenue Securities the whole of the said Sum of Two hundred thousand Pounds, or that the ordinary Revenue of the said Province or Provinces shall be insufficient to discharge the Obligations of all or any of the said Securities, then and in that Case, but not otherwise, the Public Lands of the said Province or Provinces then remaining unsold, and the Monies to be obtained by the Sale thereof, shall be deemed a collateral Security for Payment of the Principal and Interest of the said Colonial Debt: Provided always, that no Monies obtained by the Sales of Public Lands in the said Province or Provinces shall be employed in defraying the Principal or Interest of the said Colonial Debt so long as any Obligation created by the said *South Australian* Public Lands Securities shall remain undischarged: Provided also, that in case, after the Discharge of all Obligations created by the said *South Australian* Public Lands Securities, any Part of the Monies obtained by the Sale of Public Lands in the said Province or Provinces shall be employed to discharge any of the Obligations created by the said Colonial Revenue Securities, then and in that Case the Amount of such Deduction from the said Emigration Fund shall be deemed a Colonial Debt owing by the said Province to the Colonization Commissioners for *South Australia*, and be charged upon the ordinary Revenue of the said Province or Provinces.

Commissioners may sue and be sued in the Name of One Commissioner or of their Clerk or Secretary.

XXI. And be it further enacted, That the Commissioners nominated and appointed by His Majesty as aforesaid may sue and be sued in the Name or Names of any One of such Commissioners, or of their Secretary, Clerk or Clerks for the Time being; and that no Action or Suit to be brought or commenced by or against any of the said Commissioners in the Name or Names of any One of such Commissioners, or their Secretary or Clerk, shall abate or be discontinued by the Death or Removal of such Commissioner, Secretary, or Clerk, or any of them, or by the Act of such Commissioner, Secretary, or Clerk,

or

or any of them, without the Consent of the said Commissioners, but that any One of the said Commissioners, or the Secretary or Clerk for the Time being to the said Commissioners, shall always be deemed to be the Plaintiff or Defendant (as the Case may be) in every such Action or Suit: Provided always, that nothing herein contained shall be deemed, construed, or taken to extend to make the Commissioners who shall sign, execute, or give any of the Bonds or obligatory Writings so hereby authorized or directed to be given personally, or their respective Estates, Lands, or Tenements, Goods and Chattels, or such Secretary or Clerk, or their or either of their Lands and Tenements, Goods and Chattels, liable to the Payment of any of the Monies so borrowed and secured by reason of their giving any such Bonds or Securities as aforesaid, or of their being Plaintiff or Defendant in any such Action as aforesaid; but that the Costs, Charges, and Expences of every such Commissioner, Secretary, or Clerk, by reason of having been made Plaintiff or Defendant, or for any Contract, Act, Matter, or Thing whatsoever made or entered into in the *bonâ fide* Execution of this Act, from Time to Time be defrayed by the said Commissioners out of the Money so borrowed and taken up as aforesaid.

Convicts not to be transported to the Colony.

XXII. And be it further enacted, That no Person or Persons convicted in any Court of Justice in *Great Britain* or *Ireland*, or elsewhere, shall at any Time or under any Circumstances be transported as a Convict to any Place within the Limits herein-before described.

A Constitution to be established when there shall be Fifty thousand Inhabitants.

XXIII. And be it further enacted, That it shall and may be lawful for His Majesty, by and with the Advice of His Privy Council, to frame, constitute, and establish a Constitution or Constitutions of Local Government for any of the said Provinces possessing a Population of Fifty thousand Souls, in such Manner, and with such Provisoes, Limitations, and Restrictions, as shall to His Majesty, by and with the Advice of His Privy Council, be deemed meet and desirable: Provided always, that the Mode herein-before directed of disposing of the Public Lands of the said Province or Provinces by Sale only, and of the Fund obtained by the Sale thereof, shall not be liable to be in anywise altered or changed otherwise than by the Authority of His Majesty and the Consent of Parliament: Provided also, that in the said Constitution of Local Government for the said Province or Provinces, Provision shall be made for the Satisfaction of the Obligations of any of the said Colonial Revenue Securities which may be unsatisfied at the Time of framing such Constitution of the said Province or Provinces.

20,000*l.* to be invested in Exchequer Bills as a Security upon the Mother Country.

XXIV. And be it further enacted, That for the Purpose of providing a Guarantee or Security that no Part of the Expence of founding and governing the said intended Colony shall fall on the Mother Country, the said Commissioners shall and are hereby empowered and required, out of the Monies borrowed and taken up as aforesaid on the Security of the said *South Australian* Colonial Revenue Securities, to invest the Sum of Twenty thousand Pounds in the Purchase of Exchequer Bills or other Government Securities in *England*, in the Names of Trustees to be appointed by His Majesty; and the said Trustees shall hold the said Exchequer Bills, or other Government Securities so long as may seem fit to His Majesty's Principal Secretary of State for the Colonies; or shall, in Case

case it shall seem fit to His Majesty's Principal Secretary of State for the Colonies, dispose of the same for any of the Purposes to which the Monies raised by the Issue of the said *South Australian* Colonial Revenue Securities are hereby made applicable: Provided always, that if the said Secretary of State should dispose of any Part of the said Twenty thousand Pounds, a Sum or Sums equal to the Sum or Sums so disposed of shall be invested in the Names of the said Trustees by the said Commissioners, so that the said Guarantee or Security Fund of Twenty thousand Pounds shall not at any Time be reduced below that Amount: Provided always, that the Interest and Dividends accruing from Time to Time upon the said Exchequer Bills, or other Government Securities, shall be paid to the said Commissioners, and by them be devoted to the Purposes to which, as herein-before directed, the Monies to be raised by the Issue of the aforesaid *South Australian* Colonial Revenue Bonds are made applicable.

If after Ten Years from the passing of this Act the Population shall be less than 20,000 natural born Subjects Lands to be liable to be disposed of by His Majesty.

XXV. And be it further enacted, That if after the Expiration of Ten Years from the passing of this Act the Population of the said Province or Provinces shall be less than Twenty thousand natural born Subjects, then and in that Case all the Public Lands of the said Province or Provinces which shall then be unsold shall be liable to be disposed of by His Majesty, His Heirs and Successors, in such Manner as to him or them shall seem meet: Provided always, that in case any of the Obligations created by the said *South Australian* Public Lands Securities should then be unsatisfied the Amount of such Obligations shall be deemed a Charge upon the said unsold Public Lands, and shall be paid to the Holders of such Securities out of any Monies that may be obtained by the Sale of the said Lands.

Powers of Commissioners not to commence until the Money is raised, except for that Purpose.

XXVI. And be it further enacted, That until the said Commissioners shall, by the granting and issuing of Bonds and Writings obligatory as aforesaid, that is to say, "*South Australian* Colonial Revenue Securities," have raised the Sum of Twenty thousand Pounds, and have invested the same in the Purchase of Exchequer Bills, or other Government Securities, as herein-before directed, and until the Persons intending to settle in the said Province or Provinces and others shall have invested, (either by Payment to the said Commissioners, or in the Names of Trustees to be appointed by them), for the Purchase of Public Lands in the said Province or Provinces, the Sum of Thirty-five thousand Pounds, none of the Powers and Authorities hereby given to His Majesty, or to the said Commissioners, or to any Person or Persons, except as respects the Exercise by the said Commissioners of such Powers as are required for raising Money by means of and on the Security of the Bonds or Securities last aforesaid, and for receiving and investing the aforesaid Sum of Thirty-five thousand Pounds for the Purchase of Public Lands, shall be of any Effect, or have any Operation whatsoever.

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ANNO QUARTO & QUINTO

GULIELMI IV. REGIS.

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mentioned: And whereas by reason of the Increase of Buildings, and various Improvements made and intended to be made in the Parts of the Parishes of *Saint Mary Paddington*, *Saint Mary-le-bone*, *Saint John Hampstead*, and *Willesden*, lying on the North Side of the Road leading from *Oxford Street* to *Uxbridge*, called the *Uxbridge Road*, it is expedient that the Drainage thereof should be altered, enlarged, and improved, and that the Soil Drainage of the *Bayswater* or *Westbourn Brook* should be diverted from the *Serpentine* River, and that for such Purposes the aforesaid Commissioners of Sewers should be authorized to make such Wear or Tumbling Bay and a Tunnel Sewer as is herein-after mentioned, and should have such Powers as are herein-after contained for raising one Moiety of the Monies necessary to defray the Expences of constructing the same; and it is reasonable that the other Moiety thereof should be defrayed out of the Land Revenues of the Crown, in consideration of the Advantages which the Property of the Crown will derive by the Diversion of the Soil Drainage from the *Serpentine* River: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said Commissioners of Sewers for the Time being, or such Number of them as are authorized to act by virtue of the said Commission of Sewers, shall, within Nine Calendar Months from the passing of this Act, cause to be constructed a Wear or Tumbling Bay of the Height of Two Feet across the said Brook called the *Bayswater* or *Westbourn Brook*, at or near the Spot where the said Brook crosses the Road at *Bayswater*, and shall also cause to be constructed a Tunnel Drain or Sewer from such Tumbling Bay along the *Uxbridge Road* aforesaid to the Tunnel Sewer nearly opposite the End of *Albion Street*, *Uxbridge Road*, which passes through *Hyde Park* aforesaid, and communicates with the open Watercourse or Sewer called *Ranelagh Sewer*, so that all the Water Drainage and Soil passing down the said Brook (and not passing over such Wear) may pass along such Tunnel Sewer so to be made as aforesaid, such Tunnel Sewer to be Six Feet high and Four Feet Six Inches wide at the least, and to be constructed in all other respects as the said Commissioners shall think fit; and the same and the Tumbling Bay, when finished, shall become Part of the Public Sewers under the Jurisdiction of the said Commissioners.

Commissioners of Sewers empowered to make a Wear and Sewer.

II. And be it further enacted, That for the Purpose of carrying this Act into effect the said Commissioners of Sewers shall have full Power and Authority by virtue of this Act to enter upon any Part of the said Road, and to cause to be constructed in any Part thereof all such Works as the said Commissioners shall deem necessary for effecting the Purposes of this Act.

Commissioners empowered to enter upon Premises for the Purposes of the Act.

III. And be it further enacted, That for the Purpose of carrying into effect the Powers and Directions in this Act contained the said Commissioners of Sewers shall have all and every the Powers which they possessed before the passing of this Act, either by virtue of the aforesaid Commission, or of any Law, Statute, or Usage now in force, and such Powers shall be applicable to this Act.

Commissioners of Sewers to have the same Powers as before the passing of the Act.

IV. And

Commissioners empowered to borrow Money from Exchequer Loan Commissioners.

IV. And be it further enacted, That for defraying One Moiety of the Expences of the Works hereby directed to be done, the said Commissioners of Sewers may from Time to Time borrow and take up at Interest, on the Credit of the Rates to be made and levied by virtue of this Act or of any other Act now in force, any Sum or Sums, not exceeding in the whole the Sum of Three thousand five hundred Pounds, from the Commissioners for carrying into execution an Act passed in the Fifty-seventh Year of the Reign of King *George* the Third, intituled *An Act to authorize the Issue of Exchequer Bills and the Advance of Money out of the Consolidated Fund, to a limited Amount, for the carrying on of Public Works and Fisheries in the United Kingdom, and Employment of the Poor in* Great Britain, and several subsequent Acts for extending and amending the Powers for the issuing of Exchequer Bills for Public Works; and the said last-mentioned Commissioners are hereby authorized and required to advance and lend the same accordingly.

57 G. 3. c. 34.

Rate of Interest to be paid.

V. And be it further enacted, That Interest shall be paid on the Amount of the Money so to be advanced by the said Commissioners for issuing Exchequer Bills to the Commissioners acting under this Act, or on so much thereof as shall for the Time being remain due and unpaid, after the Rate of Four Pounds *per Centum per Annum*, any thing in the said Acts for the issuing of Exchequer Bills, or any of them, to the contrary notwithstanding; and that the Principal Money so advanced shall be repaid by Twenty equal yearly Instalments, the first of such Instalments to be paid at the Expiration of Twelve Calendar Months from the Time of advancing the said Money.

Commissioners of Sewers empowered to levy Rates.

VI. And be it further enacted, That it shall and may be lawful for the said Commissioners of Sewers acting under this Act, and they are hereby authorized and required, to make, impose, and levy on all Lands, Houses, Shops, Warehouses, Coach-houses, Stables, or other Buildings, Yards, and Gardens within the said Parishes of *Saint Mary Paddington* and *Saint Mary-le-bone*, and the Parishes of *Saint John Hampstead* and *Willesden*, in the said County of *Middlesex*, draining into or using or in any way benefited by the said *Bayswater* or *Westbourn Brook*, or which Lands, Houses, Shops, Warehouses, Coach-houses, Stables, or other Buildings shall or may drain into, use, or in any way be benefited by the same, or drain into or use or in any way be benefited by the Tunnel Sewer hereby directed to be made, in the Opinion of the said Commissioners of Sewers, all such Rates Taxes, or Assessments as shall be necessary for the Repayment
said Principal Sum or Sums of Money so to be borr
and the Interest thereon, and after such R
tions, and in such Manner as they

VII. And be
the said

Commissioners of Woods and Forests may advance any Sum not exceeding 3,500*l.* for defraying a Moiety of the Expences incurred under this Act.

VIII. And be it further enacted, That for defraying the remaining Moiety of the Expences of the Works hereby directed to be done, it shall be lawful for the Commissioners for the Time being of His Majesty's Woods, Forests, Land Revenues, Works, and Buildings, on behalf of His Majesty, and they are hereby authorized and directed, to advance and pay to the said Commissioners of Sewers, out of the Funds of the Crown under their Control and Management, any Sum or Sums necessary for defraying One Moiety of the Expences of the aforesaid Works, not exceeding in the whole the Sum of Three thousand Five hundred Pounds.

A distinct Account to be kept of the Monies expended under this Act.

IX. Provided always, and be it further enacted, That the said Commissioners of Sewers shall and they are hereby required to keep a separate and distinct Account of all Monies expended by them in making and completing the said Sewer and other Works by this Act authorized to be made.

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